



CITY OF HAYWARD

AGENDA REPORT

AGENDA DATE 10/04/05

AGENDA ITEM 3

WORK SESSION ITEM _____

TO: Mayor and City Council

FROM: Director of Community and Economic Development

SUBJECT: Zone Change No. PL-2004-0418 and Vesting Tentative Tract Map 7554/PL-2004-0417 – Arlene Utal for Chabot Estate Homes (Applicant)/ Greg Silva (Owner) – Request to Change the Zoning From Single-Family Residential (RS) District to Planned Development (PD) District and Subdivide 2 Acres to Build 11 Homes and Renovate a Historic Home - The Project is Located at the Easterly End of Cryer Street

RECOMMENDATION:

It is recommended that the City Council adopt the attached resolution adopting the Mitigated Negative Declaration and denying the zone change, preliminary development plan and Vesting Tentative Tract Map.

DISCUSSION:

The applicant is requesting to change the zoning of the property from a Residential Single-Family (RS) District to a Planned Development (PD) District to subdivide the two-acre property, build 11 homes and restore the historic farmhouse and its accessory structures. At its meeting of May 12, 2005, with a staff recommendation for denial, the Planning Commission voted (6:1) to direct staff to prepare findings and conditions to approve the project. On September 8, 2005, the Commission voted (6:1) to recommend approval of the project to the City Council. Although staff recommends denial of the project, the recommended conditions of approval, acted on by the Commission, are attached.

The site, historically known as the Penke-Cryer property, is a portion of what was originally a 163-acre farm dating back to 1858. Structures remaining on the property include a house built in 1897, a carriage/caretaker's house, and a water tower. The water tower and carriage house would be relocated to share the largest lot with the house where all three historic structures would be restored. The 11 proposed houses would be on lots ranging in size from 3,772 square feet to 7,021 square feet. The houses would all have four bedrooms, would range in size from 2,287 to 2,410 square feet, and would incorporate Victorian architectural elements complementing the historic house. The applicant is requesting a Planned Development District so that lots may be created that are smaller than would otherwise be permitted in the standard Single-Family Residential District.

Staff's primary issue regarding the project is the high noise levels experienced at the site from Highway 92. Other issues that have been raised by staff include the approach to tree preservation behind Lots 2 and 3, an insufficient amount of usable open space, and the vehicle turn-around on Lot 1.

The General Plan states that the "maximum acceptable exterior noise level in residential areas is an L_{dn} of 55 dB for single-family development. These levels shall guide the design and location of future development, and are the goals for the reduction of noise in existing development. These goals will be applied where outdoor use is a major consideration (e.g. backyards in single-family housing developments and recreation areas in multi-family housing projects). The outdoor standard will normally be applied to any area considered to be 'useable open space,' including decks and balconies associated with apartments and condominiums." Taking into account the proposed I-880/Route 92 interchange improvements as well as natural increases in traffic over the next 20 years, the backyards of all the proposed lots would be subject to exterior noise levels exceeding 55dB and six lots would have noise levels exceeding 60 dB. The existing and future noise levels for each lot are listed below.

Lot #	Prior to Freeway Improvements Noise Level in dB	After Freeway Improvements Noise Level in dB
1, 11 and 12	63	64
10	61	62
2 and 9	60	61
3 through 8	55 - 60	55 - 60

While the developer has offered to provide notice about the noise levels to prospective buyers of the houses, staff recommends against the approval of new homes in an environment where the noise levels exceed the guidelines set forth in the General Plan. To compensate for the high noise levels in the private yards, a group open space might be provided in the area of Lot 5, which is likely to be the quietest area of the site. The applicant has rejected the provision of group open space as it might involve one less residential unit under the proposed development plan. Staff also would recommend that the applicant explore a development plan wherein the arrangement of the residential units shields the open space from excessive noise levels; an alternative arrangement might include attached or semi-attached units, providing longer building sections to shield areas behind from noise.

The attached Environmental Checklist and Mitigated Negative Declaration state that the project would have a "less than significant impact" on the environment in terms of noise. Although the project would be subject to noise levels that exceed the guidelines in the General Plan, the legal framework of the California Environmental Quality Act is such that only impacts that the project *causes* can be considered potentially significant. Because the proposed project itself would not cause elevated noise levels, the Checklist notes a less than significant impact.


The applicant has proposed to preserve two large trees behind Lots 2 and 3 by building a retaining wall around the trees which would cause the rear yards of the two lots to be 3 feet lower than the surrounding yards and the floor levels of the houses. Decking level with the floors of the houses would cover approximately half of the rear yards and would result in a 9-foot tall fence at the rear and side property lines. The amount of pruning that would be necessary to build the two-story houses under the canopy of the trees requires the removal of a third tree and may result in the remaining two trees looking unnatural. The Design Guidelines state that development should be outside the dripline of trees. The intent of this guideline is to protect the roots as well as the canopies of mature trees. This plan to protect the trees was a late design that creates an unnecessary "hole" with no relation to the remainder of the project. Given the relatively flat nature of the property, the grading should provide a smooth transition from one area to the next.

Six of the 12 lots would have rear yards smaller than 1,000 square feet, which is the minimum size typically provided for single-family homes. The applicant has stated that the PD should allow the flexibility to have smaller yards given the large lot being proposed for the historic structures. However, the findings that must be made in favor of a Planned Development District require that any exceptions to development regulations or policies be adequately offset or compensated. When standard rear yards are not provided, it is normally compensated by the provision of a group open space area. No such group open space is proposed. Rancho Arroyo Park is located over one-half mile from this project, and it is not likely that residents would walk to that park on a regular basis.

The project has been designed with a total of 64 parking spaces, or 5.3 parking spaces per unit. The two-car garages would account for 24 of the spaces and 16 spaces are parallel parking spaces on what would be known as Cryer Court. All 12 driveways would be expected to accommodate 2 parking spaces outside the garage, however, Lots 9, 10 and 11 have 18-foot-long driveways where 20 feet is required. For these three driveways to be 20 feet long, the houses, as designed, would have to be moved, resulting in further unacceptable rear and side yards. This also could exacerbate the already-substandard driveway on Lot 1. The driveway configuration makes it difficult to maneuver a vehicle such that it could enter the street with a forward movement; with this movement being difficult, a driver may opt to back out 110 feet to the street intersection.

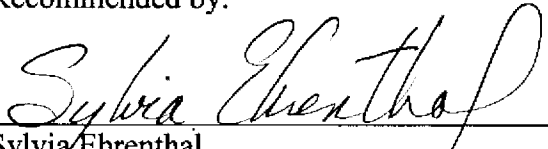
At the Planning Commission meeting on September 8, 2005, a neighbor raised the issues of emergency access and the lack of sidewalks. In an effort to create an atmosphere in keeping with the historic house, no sidewalks have been provided. The project also provides sufficient access for emergency vehicles. In response to a request from the adjacent Mount Eden Presbyterian Church and Lea's Christian School, the applicant intends to erect a masonry wall along the north property line. The wall would include a gate at the end of the street between Lots 5 and 6, which would provide a secondary pedestrian access point in the event of an emergency. The Planning Commission cited the restoration of the historic house as an overwhelming reason to support the project. Commissioners also stated that the requirement for the developer to inform prospective buyers about the noise adequately addresses that issue.

Prepared by:



Erik J. Pearson, AICP
Associate Planner

Recommended by:



Sylvia Ehrental
Director of Community and Economic Development

Approved by:


Jesús Armas, City Manager

Attachments: Exhibit A. Findings for Denial
Exhibit B. Conditions of Approval
Exhibit C. Planning Commission Staff Report, dated September 8, 2005 with
all attachments
Exhibit D. Planning Commission Meeting Minutes, dated May 12, 2005
and September 8, 2005
Plans
Draft Resolution

9/29/05

**DUE TO THE LENGTH OR COLOR
OF THE ATTACHMENT, IT HAS
BEEN INCLUDED AS A SEPARATE
LINK**

**CITY OF HAYWARD
PLANNING DIVISION
ZONE CHANGE DENIAL**

April 14, 2005

ZONE CHANGE APPLICATION NO. PL-2004-0418: Arlene Utal for Chabot Estate Homes (Applicant)/ Greg Silva (Owner) – Request to Change the Zoning From an Single-Family Residential (RS) District to a Planned Development (PD) District and Subdivide 2 Acres to Build 11 New Homes and Renovate the Existing Home

The Project Location Is 2141 W. Jackson Street at the End of Cryer Street Near Chabot College.

Findings for Denial – Preliminary Development Plan:

- A. Denial of Zone Change Application No. 2002-0533, is Statutorily Exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15270, *Projects which are Disapproved.*
- B. The development is not in substantial harmony with the surrounding area and potentially does not conform to the General Plan, the Mount Eden Neighborhood Plan and applicable City policies in that the existing noise levels at the site exceed the guidelines in the Plan that are set forth to ensure compatibility with single-family residential development.
- C. The development does not create a residential environment of sustained desirability and stability in that the project would create outdoor spaces that would exceed the normally acceptable limit of 60 decibels, there are substandard yards, there is too much visual emphasis on garages and the grassy swale would not be functional.
- D. Any latitude or exception(s) to development regulations or policies is not adequately offset or compensated for by providing functional facilities or amenities not otherwise required or exceeding other required development standards. The exception for reduced lot sizes is offset by the renovation of the historic house on a larger lot. The exceptions for reduced front and rear yard setbacks are not compensated.

Findings for Denial – Zone Change:

- E. Substantial proof does not exist that the proposed change will promote the public health, safety, convenience, and general welfare of the residents of Hayward in that the Planned Development Zoning would allow a project creating outdoor spaces with high noise levels.
- F. The proposed change is potentially not in conformance with the purposes of this Ordinance and all applicable, officially adopted policies and plans in that the homes would be exposed to noise levels exceeding the guidelines set forth in the General Plan.

FINDINGS FOR DENIAL VESTING TENTATIVE TRACT MAP 7554

The State of California Subdivision Map Act, Government Code Section 66474¹, states the grounds for denial of a tentative map. The proposed vesting tentative tract map can be denied based on the following findings:

1. The vesting tentative tract map potentially does not conform to the General Plan and the City of Hayward Zoning Ordinance. The proposed project does not meet the noise guidelines as set forth in the General Plan.
2. The site is not physically suitable for the proposed development, since the four of the 12 lots would have outdoor spaces exceeding maximum noise levels set forth in the General Plan guidelines.
3. The design of the subdivision and the proposed improvements may cause health problems due to noise levels that people would be subjected to while in their private yards.

¹ The findings of Section 66474 set forth the grounds for denial of a tentative map which are as follows:

- (a) That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.
- (b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
- (c) That the site is not physically suitable for the type of development.
- (d) That the site is not physically suitable for the proposed density of development.
- (e) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- (f) That the design of the subdivision or type of improvements is likely to cause serious public health problems.
- (g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property with the proposed subdivision.

**CITY OF HAYWARD
PLANNING DIVISION
ZONE CHANGE APPROVAL**

Revised per Planning Commission meeting on September 8, 2005

ZONE CHANGE APPLICATION NO. PL-2004-0418: Arlene Utal for Chabot Estate Homes (Applicant)/ Greg Silva (Owner) – Request to Change the Zoning From an Single-Family Residential (RS) District to a Planned Development (PD) District and Subdivide 2 Acres to Build 11 New Homes and Renovate the Existing Home

The Project Location Is 2141 W. Jackson Street at the End of Cryer Street Near Chabot College.

CONDITIONS OF APPROVAL:

1. Zone Change Application No. PL-2004-0418, is approved subject to the plans labeled Exhibit "A" and the conditions listed below. This permit becomes void two years after the effective date of approval, unless prior to that time a building permit application has been submitted and accepted for processing by the Building Official, or a time extension of this application is approved. A request for a one-year extension, approval of which is not guaranteed, must be submitted to the Planning Division at least 15 days prior to the above date.
2. Prior to issuance of a grading permit and prior to acceptance of any building permit application, a Precise Plan shall be submitted for approval by the Planning Director and shall include the following:
 - a) A copy of these conditions of approval shall be included on a full-sized sheet(s) in both the architectural and civil plan sets.
 - b) Detailed landscaping and irrigation plans (see conditions # 18 through 39).
 - c) Details of address numbers shall be provided. Address number shall be decorative.
 - d) Details of retaining walls shall be included. All retaining walls shall be constructed of reinforced concrete or CMU (concrete masonry unit) with a decorative treatment on exposed faces, approved by the Planning Director and the City Engineer. No retaining walls shall exceed 6 feet in height.
 - e) Details for decorative paving within the private streets, details for fencing of private yards and of the perimeter, safety railings and barricades.
 - f) The pavement at the project entry from Adrian Avenue to the first visitor parking space shall be enhanced by the use of decorative pavement materials such as colored, stamped concrete (bomanite or equal), brick, concrete interlocking pavers

or other approved materials. The location, design and materials shall be approved by the Planning Director.

- g) Pedestrian walkways shall be enhanced with decorative materials such as inset brick, exposed aggregate, bomanite stamped concrete or other approved material.
- h) Details showing the location and design of mailboxes. Grouped mailboxes, if not decorative, shall be enclosed by a structure compatible with the architecture of the historic home.
- i) Architectural plans and samples of colors and materials for all exterior building finishes
- j) Architectural plans shall show that the exterior of the historic house and accessory structures will be restored according to the Secretary of the Interior's standards. Plans will be reviewed by the Hayward Area Historical Society for appropriateness.
- k) The hammerhead between lots 5 & 6 should end five feet beyond the edge of the last driveway. It should not extend beyond that to preclude parking at the end of the street. It appears that parking is being proposed along the side of lot 6 on the street tree plan along with a different turnout configuration in front of lot 8. All plans should match.
- l) A phasing plan that establishes an orderly development pattern. The plan shall include provisions for project staging, designated areas for construction employee parking (on- and off-site), construction office, sales office (if any), hours of construction, provisions for noise and dust control, and common area landscaping.
- m) Improvement plans including utility plans, joint trench plans (showing all pull boxes and water, electric and gas meters) and a lighting plan.
- n) The lighting plan, prepared by a qualified illumination engineer, shall be show exterior lighting design. Exterior lighting shall be erected and maintained so that adequate lighting is provided in all common areas. The Planning Director shall approve the design and location of lighting fixtures, which shall reflect the architectural style of the building(s). Exterior lighting shall be shielded and deflected away from neighboring properties and from windows of houses within the project.
- o) Details for a bronze plaque that summarizes the history of site. This shall be located near the entrance to the project site. Plans will be reviewed by the Hayward Area Historical Society for appropriateness.
- p) A sample notice that will be signed by the buyers of Lots 3, 4, 5, 6, 7, 8 and 12 acknowledging the noise levels predicted for the site.
- q) A sample notice/agreement that will be signed by the buyers of Lots 1, 2, 9, 10 and 11 upon completion of the homes. The agreement shall state that the buyer has inspected the completed home and finds the noise levels on the property acceptable.
- r) Detailed floor plans showing how the carriage house will be converted into a two-car garage.

3. If a building permit is issued for construction of improvements authorized by the preliminary development plan and zone change approvals, said approvals shall be void two years after issuance of the building permit, or three years after approval of the application, whichever is later, unless the construction authorized by the building permit has been substantially completed or substantial sums have been expended in reliance upon the zone change approval.
4. The permittee shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.
5. Any proposal for alterations to the proposed site plan and/or design, which does not require a variance to any zoning code, must be approved by the Planning Director prior to implementation.
6. Any weed abatement conducted prior to grading shall be done by mowing only. No tilling of the soil is permitted without a grading permit.
7. All improvements shown on the Precise Plan shall be installed before occupancy of any unit within the project.
8. Prior to issuance of a building permit, the developer shall submit a soils investigation report for review and approval by the City Engineer.
9. The approval of this preliminary development plan is tied to the approval of Vesting Tentative Map No. 7554 and the associated conditions of approval. No building permit shall be issued for any structure within this application until the City Council has approved the final map and said map is recorded.
10. Prior to the sale of any parcel, or prior to the acceptance of site improvements, whichever first occurs, a homeowners' association shall be created to maintain the private street, common area landscaping and open space amenities as depicted on the approved Tentative Map Tract 7554 and CC&R's prepared for the project which shall be reviewed and approved by the Planning Director that shall include the following conditions:
 - a) Each owner shall automatically become a member of the association and shall be subject to a proportionate share of maintenance expenses.
 - b) A reserve fund shall be maintained to cover the costs of replacement and repair of the private street, driveways and common area landscaping.
 - c) The association shall be managed and maintained by a professional property management company.
 - d) Provisions for towing unauthorized and illegally parked vehicles from the site.
 - e) The private street, driveways, common areas and residential front yard landscaped areas shall be maintained in good repair, and free of debris at all times.
 - f) A requirement that the building exteriors and fences shall be maintained free of graffiti. The owner's representative shall inspect the premises on a weekly basis and any graffiti shall be removed within 48 hours of inspection or within 72 hours of notification by the City's Community Preservation Officer.

- g) The homeowners' association shall maintain the common area irrigation system and maintain the common area landscaping in a healthy, weed-free condition at all times. The homeowner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30 percent dieback) shall be replaced within 10 days.
 - h) Landscaping and irrigation shall be maintained in all common areas or the City shall have the right to enter upon the property to maintain the exterior portions of the common area at the expense of the homeowners association per Section 10-3.385 of the Subdivision Ordinance.
 - i) The trees planted within the "bulb-outs" within the private streets shall be maintained and retained by the Homeowners Association. The homeowners association shall be responsible for replacing any tree removed within the "bulb-out" landscape areas with a like kind/like size tree as others within the subdivision. The tree shall be replaced within 30-days of notification of its removal.
 - j) A tree removal permit is required prior to the removal of any tree.
 - k) Trees shall not be severely pruned, topped, or pollarded and any trees that are pruned in this manner shall be replaced with a tree species selected by, and size determined by the Landscape Architect, within the timeframe established by the City and pursuant to the Municipal code.
 - l) A provision that if the homeowners' association fails to maintain the common area or private streets, so that owners, their families, tenants, guests or adjacent owners suffer or will suffer substantial diminution in the enjoyment, use or property value of the project, the City of Hayward shall have the right to enter upon the project and to commence and complete such work as is necessary to maintain the common areas and private streets, after reasonable notice, and lien the properties for their proportionate share of the costs.
 - m) Each resident shall participate in the City's recycling program.
 - n) The garage of each unit shall be maintained for off-street parking and shall not be converted to living or storage areas. An automatic garage door opening mechanism shall be provided for all garage doors.
 - o) Individual garbage can(s) shall be kept behind fences except upon pick-up day.
 - p) The parallel parking spaces along the new street shall be provided for and maintained as visitors' spaces and shall not be used for recreational vehicles, camper shells, boats or trailers. These spaces shall be clearly marked and monitored by the homeowners association. Parking stalls shall be used only for vehicles in operating condition. The homeowners association shall remove vehicles parked contrary to this provision.
 - q) Additions to residential units are prohibited.
11. The applicant or homeowners association shall maintain in good repair all fencing, parking and street surfaces, common landscaping, lighting, trash enclosures, drainage facilities, project signs, etc. Individual homeowners shall maintain in good repair the

exterior elevations of their dwelling. The CC&Rs shall include provisions as to a reasonable time period that a unit shall be repainted, the limitations of work (modifications) allowed on the exterior of the building, the formation of a design review committee and its power to review changes proposed on a building exterior and its color scheme, and the right of the homeowners association to have necessary work done and to place a lien upon the property if maintenance and repair of the unit is not executed within a specified time frame. The premises shall be kept clean. Any graffiti painted on the property shall be painted out or removed within seven days of occurrence.

12. Prior to the sale, or release for sale, of any home, the extension of the soundwall shall be completed.
13. Lots 1, 2, 9, 10 and 11 shall not be pre-sold. These lots shall not be released for sale until the homes are completed so that buyers may inspect the property and experience the noise that will affect the property.
14. Prior to the sale of any home, all buyers shall sign and have recorded an acknowledgement that they are aware of the predicted noise levels for the site.
15. Any future modification to the approved site plan shall require review and approval by the Planning Commission.
16. Prior to final inspection all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director.
17. Violation of these conditions or requirements may result in the City of Hayward instituting a revocation hearing before the Planning Commission.

Landscaping:

18. Prior to the approval of the Precise Plan or improvement plans, detailed landscaping and irrigation plans shall be prepared by a licensed landscape architect and submitted for review and approval by the City. Landscaping and irrigation plans shall comply with the City's Water Efficient Landscape Ordinance.

Mylar copies of the approved plans shall be submitted with the mylars of the improvement plans.
19. Plans shall include a tree mitigation plan acceptable to the City Landscape Architect. Trees proposed for mitigation must be in addition to the required trees. The trees being proposed for mitigation must be equal in value to the trees that are being proposed for removal.
20. The planting plan submitted does not completely address the issue of the required trees for the site. Perimeter screening trees are not being shown in the correct amounts and there are not sufficient street trees being shown in required locations. Parking shade trees appear to be more than sufficient. The required trees must be shown in addition to the proposed mitigation trees.
21. Regarding the street tree plan, a minimum of one 24 inch box tree shall be provided in the front yard of each lot. In addition, where the frontage of a lot is more than 50 feet, provide one additional 24-inch box tree for each additional 50 feet (or portion of 50 feet) of frontage. Coast Live Oak is not an appropriate street tree for these small areas as the

mature size of the tree may be as large as 70 by 100'. In addition, to prevent oak root fungus, no summer irrigation should be planned within their root zone. There is a limited number of plants that will thrive under the canopy of a mature oak tree and it requires a very specialize landscape plan. The Oak tree proposed for the narrow parking islands is not appropriate. Take into account the mature size of the proposed trees. Show the location of proposed sewer and water lines as the location of any tree must be at least 5 feet from any water or sewer line or connection. Trees shall be planted according to the City Standard Detail SD-122.

22. It appears that some of the trees that are proposed to remain (#35, #36, #37, and #38) are in the way of proposed sound walls or fences. Show how this is proposed to be resolved.
23. Carrotwood is considered a sub-tropical is not suitable for this area. It is also a wide, low-branching tree that has a tendency to self seed and should not be planted in lawn areas. Try a taller, higher branching tree such as Koelruteria bipinnata, Acer Rubrum or Ginko biloba.
24. Additional trees will be required along the side yard of unit 9 and one of the street trees proposed for unit three should be moved to the front yard of unit 1 as each unit must have it's own front yard 'street tree'.
25. Utility meters, when not enclosed in a cabinet, shall be screened by either plant materials or decorative screen, allowing sufficient access for reading.
26. Any transformer shall be located underground or screened from view by landscaping and shall be located outside any front or side street yard.
27. A minimum of five feet of landscape area must be shown between any wall or buildings and any street or driveway. This does not include curbs or walls.
28. The landscape bulbouts must have a 5-foot clear interior dimension. This is typical throughout as landscape dimensions should not include the width of retaining walls, walls, fences, curbs or other hardscape.
29. Masonry walls, solid building walls, trash enclosures or fences facing a street or driveway shall be continuously buffered with shrubs and vines.
30. Landscaped areas adjoining drives and/or parking areas shall be separated by a 6" high class "B" Portland Cement concrete curb.
31. Any paving or any other development under any existing trees remaining in place is to be done in such a way to minimize any cut section or disturbance to the root structure of the tree and shall be done under the direct supervision of a certified arborist.
32. Trees that are thinned or 'lifted' shall have the work done in such a manner as to preserve the natural form and existing canopy of the tree.
33. Park Dedication In-Lieu Fees are required for all new dwelling units. Fees shall be those in effect at the time of issuance of the building permit.
34. Landscaping shall be maintained in a healthy, weed-free condition at all times. The owner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% die-back) shall be replaced within ten days of the inspection. Trees shall not be severely pruned, topped or pollarded. Any trees that are

pruned in this manner shall be replaced with a tree species selected by, and size determined by the City Landscape Architect, within the timeframe established by the City and pursuant to Municipal Code.

35. Trees shall be preserved in accordance with the Tree Preservation Ordinance. Prior to the commencement of clearing and grading operations, all trees to be preserved or removed shall be indicated on the grading, site and landscape plans, and trees to remain in place shall be noted and provided with tree protection measures in compliance with City codes. A tree removal permit is required prior to the removal of any tree. Replacement trees shall be required for any trees removed, as determined by the City Landscape Architect.
36. Prior to the issuance of a grading or building permit, the developer shall provide a tree preservation bond, surety or deposit, equal in value to the trees to be preserved. The bond, surety or deposit shall be returned two years after tract acceptance if the trees are found to be in a healthy, thriving and undamaged condition. The developer shall provide an arborist's report evaluating the condition of the trees.

Trees that are removed or that die or are damaged during construction or the two years after, shall be replaced with maximum size trees in amounts equal in value to the trees that were damaged, died, or were removed.
37. Grading and improvement plans shall include tree preservation and protection measures, as required by the City Landscape Architect. Trees shall be fenced at the drip line throughout the construction period and shall be maintained in a healthy condition throughout the construction period.
38. All common area landscaping, irrigation and other required improvements shall be installed prior to acceptance of improvements.
39. Landscape improvements shall be installed according to the approved plans and a Certificate of Substantial Completion, and an Irrigation Schedule shall be submitted prior to the issuance of a Certificate of Occupancy.

Solid Waste & Recycling:

40. A Construction and Demolition Debris Recycling Statement must be submitted with the building permit application.
41. A Construction and Demolition Debris Recycling Summary Report must be completed, including weigh tags, at the COMPLETION of the project.
42. This approval is subject to the requirements contained in the memo from the Solid Waste and Recycling Division of the Public Works Department dated 10/7/04.



CITY OF HAYWARD AGENDA REPORT

Meeting Date 09/08/05
Agenda Item 1

TO: Planning Commission

FROM: Erik J. Pearson, AICP, Associate Planner
Andrew S. Gaber, P.E., Development Review Engineer

SUBJECT: **Zone Change No. PL-2004-0418 & Vesting Tentative Tract Map 7554/PL-2004-0417 –Arlene Utal for Chabot Estate Homes (Applicant)/ Greg Silva (Owner) – Request to Change the Zoning From a Single-Family Residential (RS) District to a Planned Development (PD) District and Subdivide 2 Acres to Build 11 New Homes and Renovate an Historic Home**

The Project Location Is 2141 W. Jackson Street at the End of Cryer Street Near Chabot College.

RECOMMENDATION

As directed by the Commission, staff has conducted the necessary environmental review and prepared findings and conditions for approval of the project. However, staff still does not support the project for reasons discussed below. Staff recommends that the Planning Commission:

1. Adopt the Initial Study, Mitigated Negative Declaration and Mitigation Monitoring Plan prepared pursuant to the California Environmental Quality Act (CEQA) guidelines; and
2. Deny the zone change and the preliminary development plan; and
3. Deny the Vesting Tentative Tract Map application.

BACKGROUND

On May 12, 2005, the Planning Commission considered the proposed Planned Development. The staff recommendation was for the Planning Commission to deny the application; however, after reviewing the staff report and hearing testimony from the applicant and their consultants, the Commission indicated general support for the project. The Commission did, however, express concern about, and asked for, the following items to be further addressed:

- A revised noise analysis taking into account the future changes to the Highway 92/Hesperian Boulevard interchange and the future flyover at Interstate 880 and Highway 92.
- Better protection for certain trees.
- An improved vehicular turn around on Lot 1.

- Ensure that the grassy swale is designed to accommodate stormwater and provide room for required trees.

DISCUSSION

Noise

As requested by the Commission, more information has been provided about the current and future freeway noise that will affect the property. A revised report prepared by Charles M. Salter Associates Inc. (CSA) dated July 15, 2005 concludes that the planned Route 880/92 interchange project, along with natural traffic increases, would result in a 1 decibel (dB) increase in noise levels over 20 years. CSA maintains that a 3dB increase would be barely noticeable over 20 years. The planned Route 92/Hesperian Boulevard off ramp realignment would result in an additional increase of less than 1dB. With these increases, the rear yards of 5 of the 11 proposed houses (as well as the existing house) would have noise levels exceeding 60 dB. The City's General Plan states, "The maximum acceptable exterior noise level in residential areas is an L_{dn} of 55 dB for single-family development". When considering whether the difference between the noise goal of 55 dB and the predicted noise levels is significant, it should be noted that the General Plan states that a "3dBA increase in the L_{dn} is considered substantial".

As shown in the table below, the previous analysis found that 4 lots would experience noise levels in the rear yards over 60 dB. The current analysis finds that 6 lots (half of the houses) would be over 60 dB. The remaining 6 homes would have rear yards with noise levels below 60 dB, but still over the 55 dB goal.

Lot #	Prior to Freeway Improvements	After Freeway Improvements
1 and 11	63	64
10	61	62
2 and 9	60	61

Figure 1 in Appendix N of the General Plan shows that noise levels up to 70 dB are conditionally acceptable for single-family homes. This table is published from information from the State of California only as a guide. When the City Council adopted the General Plan in 2002, the more restrictive standard of 55 dB was set as the City goal for new residential development. Figure 1 provides an interpretation of when a project should be considered *conditionally acceptable*. It focuses on noise reduction and insulation features being incorporated into the design of the homes which would reduce interior noise levels. The City goal of 55 dB is intended to be applied as a standard for outdoor areas. Even with the extension of the existing soundwall to the north, all 12 homes would experience noise levels in the outdoor areas exceeding the guidelines for new development, or 55 dB.

The CSA report mentions that the City's goal of 55 dB is "very stringent". Staff surveyed other California cities and out of 20 respondents, most use 60 dB, but 3 cities were found to use 55 dB as the standard for single-family development. The three cities using a 55 dB limit are Monterey Park, Selma and Berkeley. In staff's opinion, given existing and predicted noise levels, the site is not suitable for single family development.

Lot 1

The vehicular turn-around for Lot 1 has been modified by use of a tandem garage. The tandem garage makes it possible to achieve a better turning radius; however, the applicant has been unable to design a proper turn-around and maintain a 5-foot landscape setback between the driveway and the rear fence of Lot 11. The turn-around shown on the attached plans has a turning radius that is too tight. Furthermore, any guest vehicles parking in the driveway would be required to back up approximately 100 feet when exiting. Staff suggests that the problems identified with this lot are an indication that the applicant is attempting to create too many lots on the site.

Trees

At the previous Planning Commission meeting, staff reported that trees 18, 19, and 20, as shown on the landscape plans, would need to be pruned to an unacceptable level to accommodate the houses planned for Lots 2 and 3. Commissioners asked for an attempt to provide better protection for these trees. After further review of the plans, the applicant's arborist determined that trees 18, 19, and 20, which are rated as being in good condition, would not survive the grading necessary for construction. The applicant now proposes to remove the trees and plant new trees of equal value. These trees, which have canopies that extend into lots on Adrian Avenue, are the three most valuable trees on the property. Given the number of trees required to be planted for this type of development, it is often difficult to find large enough trees or enough space to plant an additional number of trees for mitigation. In staff's opinion, the project should be designed around the trees. A City Design Guideline states, "Retain existing healthy, mature plant material as much as possible, especially large trees." To ensure proper protection of the trees, no grading or construction should occur within the driplines of the canopies of the trees.

Grassy Swale

Staff previously reported that the grassy swale along the soundwall was designed with insufficient capacity for the treatment of stormwater. The swale is now designed to be supplemented by a CDS unit, which is an underground mechanical device that cleans stormwater before it flows to the public system. The CDS unit would ensure proper stormwater treatment and would allow the swale to be narrower so that there is room for the required buffer trees.

Open Space

Staff's first report noted that the proposed rear yards are smaller than those typically required for single-family homes. Minimum dimensions for a rear yard are usually 50 feet wide by 20 feet deep, or 1,000 square feet. Lots 1 through 5 and Lot 11 have rear yards with less than 1,000 square feet. Staff maintains that some group open space should be provided within the project to compensate for the small rear yards. Given the fact that six of the lots would have rear yards with noise levels exceeding 60 dB, it would be appropriate to provide some open space with lower noise levels. According to CSA, the only area where noise levels might be below 55 dB would be where Lot 5 is proposed.

ENVIRONMENTAL REVIEW

An Initial Study and Mitigated Negative Declaration have been prepared pursuant to the California Environmental Quality Act (CEQA) guidelines. No significant environmental impacts are expected to result from the project, as mitigated.


PUBLIC NOTICE

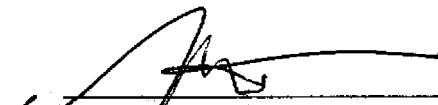
On August 19, 2005 a legal advertisement was published in the Daily Review newspaper to notify the public of the pending application and public hearing. Also, on August 19, 2005, a Notice of Public Hearing for the Planning Commission meeting and Notice of Preparation of Environmental Document were mailed. In addition, a public notice sign was placed at the site prior to the Public Hearing to notify neighbors and interested parties residing outside the 300-foot radius.

CONCLUSION

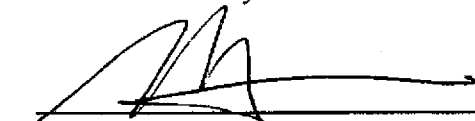
While the applicant has attempted to satisfy the Commission's concerns regarding the trees and the layout of Lot 1, the solutions proposed, in staff's opinion, are not satisfactory. With these conditions, along with the lack of open space and the noise levels experienced at the site, staff recommends denial of the proposed project.

Prepared by:


Erik J. Pearson, AICP
Associate Planner


Andrew S. Gaber, P.E.
Development Review Engineer

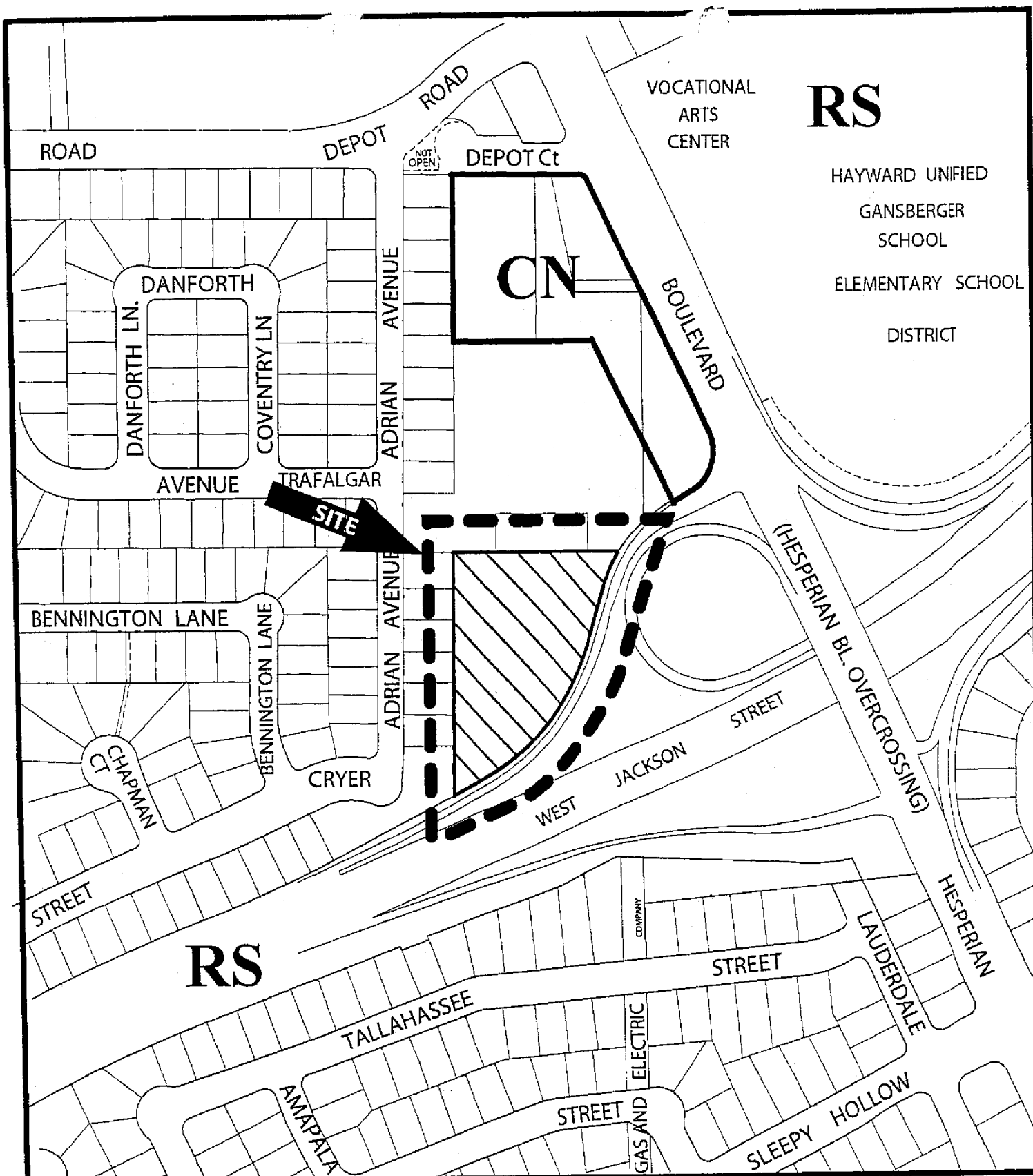
Recommended by:


Richard E. Patenaude, AICP
Acting Planning Manager

Attachments:

- A. Area & Zoning Map
- B. Findings for Approval of Zone Change and Preliminary Development Plan

- C. Findings for Approval of Vesting Tentative Tract Map
- D. Conditions of Approval for Zone Change and Preliminary Development Plan
- E. Conditions of Approval for Vesting Tentative Tract Map
- F. Updated Noise Analysis
- G. Initial Study and Mitigated Negative Declaration
- H. Mitigation Monitoring Program
- I. Planning Commission Agenda Report dated May 12, 2005 with all Attachments
- J. Planning Commission Meeting Minutes dated May 12, 2005
Plans



RS

HAYWARD UNIFIED
GANSBERGER
SCHOOL
ELEMENTARY SCHOOL
DISTRICT

RS

Area & Zoning Map

PL-2004-0417 TTM 7554

Address: 2141 West Jackson Street

Applicant: Arlene Utal

Owner: Greg Silva

CN-Neighborhood Commercial
RS-Single-Family Residential,RSB4,RSB6



**CITY OF HAYWARD
PLANNING DIVISION
ZONE CHANGE APPROVAL**

September 8, 2005

ZONE CHANGE APPLICATION NO. PL-2004-0418: Arlene Utal for Chabot Estate Homes (Applicant)/ Greg Silva (Owner) – Request to Change the Zoning From an Single-Family Residential (RS) District to a Planned Development (PD) District and Subdivide 2 Acres to Build 11 New Homes and Renovate the Existing Home

The Project Location Is 2141 W. Jackson Street at the End of Cryer Street Near Chabot College.

Findings for Approval– Preliminary Development Plan:

- A. Approval of Zone Change Application No. 2004-0418, as conditioned, will not cause a significant impact on the environment as documented in the Initial Study. A Mitigated Negative Declaration has been prepared per the California Environmental Quality Act Guidelines.
- B. The development is in substantial harmony with the surrounding area, conforms to the Mount Eden Neighborhood Plan and applicable City policies and is potentially consistent with the General Plan in that the noise levels at the site are deemed conditionally acceptable.
- C. Existing and proposed streets and utilities are adequate to serve the development.
- D. The development creates a residential environment of sustained desirability and stability in that the project meets the intent of the Mount Eden Neighborhood Plan in that the plan encourages residential use for this property.
- E. Any latitude or exception(s) to development regulations or policies is adequately offset or compensated for by providing functional facilities or amenities not otherwise required or exceeding other required development standards. The exceptions requested for a reduced lot sizes is offset with the proposed preservation and restoration of the historic farmhouse.

Findings for Approval – Zone Change:

- F. Substantial proof exists that the proposed change will promote the public health, safety, convenience, and general welfare of the residents of Hayward in that the Planned Development Zoning will allow a project providing housing which is supported by the Housing Element of the General Plan and the Neighborhood Plan.

- G. The proposed change is in conformance with the purposes of the Zoning Ordinance and all applicable, officially adopted policies and plans in that the Zoning change is consistent with the General Plan designation.
- H. Streets and public facilities existing or proposed are adequate to serve all uses permitted when property is reclassified.
- I. All uses permitted when property is reclassified will be compatible with present and potential future uses, and, further, a beneficial effect will be achieved which is not obtainable under existing regulations. More housing can be provided than would otherwise be permitted in the RS District with 5,000 square foot lots.

FINDINGS FOR APPROVAL
TENTATIVE TRACT MAP 7554

1. The approval of Tentative Map Tract 7554, as conditioned, will have no significant impact on the environment, cumulative or otherwise. A Mitigated Negative Declaration was prepared per the guidelines of the California Environmental Quality Act (CEQA) for the development of this site.
2. The tentative tract map potentially conforms to the State Subdivision Map Act, the City's Subdivision Regulations, the General Plan, and the City of Hayward Zoning Ordinance.
3. The site is physically suitable for the proposed type of development.
4. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
5. The design of the subdivision and the proposed improvements are not potentially likely to cause serious health problems.
6. Existing streets and utilities are adequate to serve the project.
7. None of the findings set forth in Section 64474 of the Subdivision Map Act¹ have been made.

¹ The findings of Section 66474 set forth the grounds for denial of a tentative map which are as follows:

- (a) That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.
- (b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
- (c) That the site is not physically suitable for the type of development.
- (d) That the site is not physically suitable for the proposed density of development.
- (e) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- (f) That the design of the subdivision or type of improvements is likely to cause serious public health problems.
- (g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property with the proposed subdivision.

**CITY OF HAYWARD
PLANNING DIVISION
ZONE CHANGE APPROVAL**

September 8, 2005

ZONE CHANGE APPLICATION NO. PL-2004-0418: Arlene Utal for Chabot Estate Homes (Applicant)/ Greg Silva (Owner) – Request to Change the Zoning From an Single-Family Residential (RS) District to a Planned Development (PD) District and Subdivide 2 Acres to Build 11 New Homes and Renovate the Existing Home

The Project Location Is 2141 W. Jackson Street at the End of Cryer Street Near Chabot College.

CONDITIONS OF APPROVAL:

1. Zone Change Application No. PL-2004-0418, is approved subject to the plans labeled Exhibit "A" and the conditions listed below. This permit becomes void two years after the effective date of approval, unless prior to that time a building permit application has been submitted and accepted for processing by the Building Official, or a time extension of this application is approved. A request for a one-year extension, approval of which is not guaranteed, must be submitted to the Planning Division at least 15 days prior to the above date.
2. Prior to issuance of a grading permit and prior to acceptance of any building permit application, a Precise Plan shall be submitted for approval by the Planning Director and shall include the following:
 - a) A copy of these conditions of approval shall be included on a full-sized sheet(s) in both the architectural and civil plan sets.
 - b) Detailed landscaping and irrigation plans (see conditions # 18 through 39).
 - c) Details of address numbers shall be provided. Address number shall be decorative.
 - d) Details of retaining walls shall be included. All retaining walls shall be constructed of reinforced concrete with a decorative treatment on exposed faces, approved by the Planning Director and the City Engineer. No retaining walls shall exceed 6 feet in height.
 - e) Details for decorative paving within the private streets, details for fencing of private yards and of the perimeter, safety railings and barricades.
 - f) The pavement at the project entry from Adrian Avenue to the first visitor parking space shall be enhanced by the use of decorative pavement materials such as colored, stamped concrete (bomanite or equal), brick, concrete interlocking pavers or other approved materials. The location, design and materials shall be approved by the Planning Director.

- g) Pedestrian walkways shall be enhanced with decorative materials such as inset brick, exposed aggregate, bomanite stamped concrete or other approved material.
 - h) Details showing the location and design of mailboxes. Grouped mailboxes, if not decorative, shall be enclosed by a structure compatible with the architecture of the historic home.
 - i) Architectural plans and samples of colors and materials for all exterior building finishes
 - j) Architectural plans shall show that the historic house will be restored according to the Secretary of the Interior's standards. Plans will be reviewed by the Hayward Area Historical Society for appropriateness.
 - k) The hammerhead between lots 5 & 6 should end five feet beyond the edge of the last driveway. It should not extend beyond that to preclude parking at the end of the street. It appears that parking is being proposed along the side of lot 6 on the street tree plan along with a different turnout configuration in front of lot 8. All plans should match.
 - l) A phasing plan that establishes an orderly development pattern. The plan shall include provisions for project staging, designated areas for construction employee parking (on- and off-site), construction office, sales office (if any), hours of construction, provisions for noise and dust control, and common area landscaping.
 - m) Improvement plans including utility plans, joint trench plans (showing all pull boxes and water, electric and gas meters) and a lighting plan.
 - n) The lighting plan, prepared by a qualified illumination engineer, shall be show exterior lighting design. Exterior lighting shall be erected and maintained so that adequate lighting is provided in all common areas. The Planning Director shall approve the design and location of lighting fixtures, which shall reflect the architectural style of the building(s). Exterior lighting shall be shielded and deflected away from neighboring properties and from windows of houses within the project.
 - o) Details for a bronze plaque that summarizes the history of site. This shall be located near the entrance to the project site. Plans will be reviewed by the Hayward Area Historical Society for appropriateness.
 - p) A sample notice that will be signed by the buyers of Lots 3, 4, 5, 6, 7, 8 and 12 acknowledging the noise levels predicted for the site.
 - q) A sample notice/agreement that will be signed by the buyers of Lots 1, 2, 9, 10 and 11 upon completion of the homes. The agreement shall state that the buyer has inspected the completed home and finds the noise levels on the property acceptable.
3. If a building permit is issued for construction of improvements authorized by the preliminary development plan and zone change approvals, said approvals shall be void two years after issuance of the building permit, or three years after approval of the application, whichever is later, unless the construction authorized by the building permit

has been substantially completed or substantial sums have been expended in reliance upon the zone change approval.

4. The permittee shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.
5. Any proposal for alterations to the proposed site plan and/or design, which does not require a variance to any zoning code, must be approved by the Planning Director prior to implementation.
6. Any weed abatement conducted prior to grading shall be done by mowing only. No tilling of the soil is permitted without a grading permit.
7. All improvements shown on the Precise Plan shall be installed before occupancy of any unit within the project.
8. Prior to issuance of a building permit, the developer shall submit a soils investigation report for review and approval by the City Engineer.
9. The approval of this preliminary development plan is tied to the approval of Vesting Tentative Map No. 7554 and the associated conditions of approval. No building permit shall be issued for any structure within this application until the City Council has approved the final map and said map is recorded.
10. Prior to the sale of any parcel, or prior to the acceptance of site improvements, whichever first occurs, a homeowners' association shall be created to maintain the private street, common area landscaping and open space amenities as depicted on the approved Tentative Map Tract 7554 and CC&R's prepared for the project which shall be reviewed and approved by the Planning Director that shall include the following conditions:
 - a) Each owner shall automatically become a member of the association and shall be subject to a proportionate share of maintenance expenses.
 - b) A reserve fund shall be maintained to cover the costs of replacement and repair of the private street, driveways and common area landscaping.
 - c) The association shall be managed and maintained by a professional property management company.
 - d) Provisions for towing unauthorized and illegally parked vehicles from the site.
 - e) The private street, driveways, common areas and residential front yard landscaped areas shall be maintained in good repair, and free of debris at all times.
 - f) A requirement that the building exteriors and fences shall be maintained free of graffiti. The owner's representative shall inspect the premises on a weekly basis and any graffiti shall be removed within 48 hours of inspection or within 72 hours of notification by the City's Community Preservation Officer.
 - g) The homeowners' association shall maintain the common area irrigation system and maintain the common area landscaping in a healthy, weed-free condition at all times. The homeowner's representative shall inspect the landscaping on a monthly basis and

any dead or dying plants (plants that exhibit over 30 percent dieback) shall be replaced within 10 days.

- h) Landscaping and irrigation shall be maintained in all common areas or the City shall have the right to enter upon the property to maintain the exterior portions of the common area at the expense of the homeowners association per Section 10-3.385 of the Subdivision Ordinance.
 - i) The trees planted within the "bulb-outs" within the private streets shall be maintained and retained by the Homeowners Association. The homeowners association shall be responsible for replacing any tree removed within the "bulb-out" landscape areas with a like kind/like size tree as others within the subdivision. The tree shall be replaced within 30-days of notification of its removal.
 - j) A tree removal permit is required prior to the removal of any tree.
 - k) Trees shall not be severely pruned, topped, or pollarded and any trees that are pruned in this manner shall be replaced with a tree species selected by, and size determined by the Landscape Architect, within the timeframe established by the City and pursuant to the Municipal code.
 - l) A provision that if the homeowners' association fails to maintain the common area or private streets, so that owners, their families, tenants, guests or adjacent owners suffer or will suffer substantial diminution in the enjoyment, use or property value of the project, the City of Hayward shall have the right to enter upon the project and to commence and complete such work as is necessary to maintain the common areas and private streets, after reasonable notice, and lien the properties for their proportionate share of the costs.
 - m) Each resident shall participate in the City's recycling program.
 - n) The garage of each unit shall be maintained for off-street parking and shall not be converted to living or storage areas. An automatic garage door opening mechanism shall be provided for all garage doors.
 - o) Individual garbage can(s) shall be kept behind fences except upon pick-up day.
 - p) The parallel parking spaces along the new street shall be provided for and maintained as visitors' spaces and shall not be used for recreational vehicles, camper shells, boats or trailers. These spaces shall be clearly marked and monitored by the homeowners association. Parking stalls shall be used only for vehicles in operating condition. The homeowners association shall remove vehicles parked contrary to this provision.
 - q) Additions to residential units are prohibited.
11. The applicant or homeowners association shall maintain in good repair all fencing, parking and street surfaces, common landscaping, lighting, trash enclosures, drainage facilities, project signs, etc. Individual homeowners shall maintain in good repair the exterior elevations of their dwelling. The CC&Rs shall include provisions as to a reasonable time period that a unit shall be repainted, the limitations of work (modifications) allowed on the exterior of the building, the formation of a design review

committee and its power to review changes proposed on a building exterior and its color scheme, and the right of the homeowners association to have necessary work done and to place a lien upon the property if maintenance and repair of the unit is not executed within a specified time frame. The premises shall be kept clean. Any graffiti painted on the property shall be painted out or removed within seven days of occurrence.

12. Prior to the sale, or release for sale, of any home, the extension of the soundwall shall be completed.
13. Lots 1, 2, 9, 10 and 11 shall not be pre-sold. These lots shall not be released for sale until the homes are completed so that buyers may inspect the property and experience the noise that will affect the property.
14. Prior to the sale of any home, all buyers shall sign and have recorded an acknowledgement that they are aware of the predicted noise levels for the site.
15. Any future modification to the approved site plan shall require review and approval by the Planning Commission.
16. Prior to final inspection all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director.
17. Violation of these conditions or requirements may result in the City of Hayward instituting a revocation hearing before the Planning Commission.

Landscaping:

18. Prior to the approval of the Precise Plan or improvement plans, detailed landscaping and irrigation plans shall be prepared by a licensed landscape architect and submitted for review and approval by the City. Landscaping and irrigation plans shall comply with the City's Water Efficient Landscape Ordinance.

Mylar copies of the approved plans shall be submitted with the mylars of the improvement plans.
19. Plans shall include a tree mitigation plan acceptable to the City Landscape Architect. Trees proposed for mitigation must be in addition to the required trees. The trees being proposed for mitigation must be equal in value to the trees that are being proposed for removal.
20. The planting plan submitted does not completely address the issue of the required trees for the site. Perimeter screening trees are not being shown in the correct amounts and there are not sufficient street trees being shown in required locations. Parking shade trees appear to be more than sufficient. The required trees must be shown in addition to the proposed mitigation trees.
21. Regarding the street tree plan, a minimum of one 24 inch box tree shall be provided in the front yard of each lot. In addition, where the frontage of a lot is more than 50 feet, provide one additional 24-inch box tree for each additional 50 feet (or portion of 50 feet) of frontage. Coast Live Oak is not an appropriate street tree for these small areas as the mature size of the tree may be as large as 70 by 100'. In addition, to prevent oak root fungus, no summer irrigation should be planned within their root zone. There is a limited number of plants that will thrive under the canopy of a mature oak tree and it requires a

very specialize landscape plan. The Oak tree proposed for the narrow parking islands is not appropriate. Take into account the mature size of the proposed trees. Show the location of proposed sewer and water lines as the location of any tree must be at least 5 feet from any water or sewer line or connection. Trees shall be planted according to the City Standard Detail SD-122.

22. It appears that some of the trees that are proposed to remain (#35, #36, #37, and #38) are in the way of proposed sound walls or fences. Show how this is proposed to be resolved.
23. Carrotwood is considered a sub-tropical is not suitable for this area. It is also a wide, low-branching tree that has a tendency to self seed and should not be planted in lawn areas. Try a taller, higher branching tree such as *Koeleruteria bipinnata*, *Acer Rubrum* or *Ginko biloba*.
24. Additional trees will be required along the side yard of unit 9 and one of the street trees proposed for unit three should be moved to the front yard of unit 1 as each unit must have it's own front yard 'street tree'.
25. Utility meters, when not enclosed in a cabinet, shall be screened by either plant materials or decorative screen, allowing sufficient access for reading.
26. Any transformer shall be located underground or screened from view by landscaping and shall be located outside any front or side street yard.
27. A minimum of five feet of landscape area must be shown between any wall or buildings and any street or driveway. This does not include curbs or walls.
28. The landscape bulbouts must have a 5-foot clear interior dimension. This is typical throughout as landscape dimensions should not include the width of retaining walls, walls, fences, curbs or other hardscape.
29. Masonry walls, solid building walls, trash enclosures or fences facing a street or driveway shall be continuously buffered with shrubs and vines.
30. Landscaped areas adjoining drives and/or parking areas shall be separated by a 6" high class "B" Portland Cement concrete curb.
31. Any paving or any other development under any existing trees remaining in place is to be done in such a way to minimize any cut section or disturbance to the root structure of the tree and shall be done under the direct supervision of a certified arborist.
32. Trees that are thinned or 'lifted' shall have the work done in such a manner as to preserve the natural form and existing canopy of the tree.
33. Park Dedication In-Lieu Fees are required for all new dwelling units. Fees shall be those in effect at the time of issuance of the building permit.
34. Landscaping shall be maintained in a healthy, weed-free condition at all times. The owner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% die-back) shall be replaced within ten days of the inspection. Trees shall not be severely pruned, topped or pollarded. Any trees that are pruned in this manner shall be replaced with a tree species selected by, and size determined by the City Landscape Architect, within the timeframe established by the City and pursuant to Municipal Code.

35. Trees shall be preserved in accordance with the Tree Preservation Ordinance. Prior to the commencement of clearing and grading operations, all trees to be preserved or removed shall be indicated on the grading, site and landscape plans, and trees to remain in place shall be noted and provided with tree protection measures in compliance with City codes. A tree removal permit is required prior to the removal of any tree. Replacement trees shall be required for any trees removed, as determined by the City Landscape Architect.
36. Prior to the issuance of a grading or building permit, the developer shall provide a tree preservation bond, surety or deposit, equal in value to the trees to be preserved. The bond, surety or deposit shall be returned two years after tract acceptance if the trees are found to be in a healthy, thriving and undamaged condition. The developer shall provide an arborist's report evaluating the condition of the trees.

Trees that are removed or that die or are damaged during construction or the two years after, shall be replaced with maximum size trees in amounts equal in value to the trees that were damaged, died, or were removed.
37. Grading and improvement plans shall include tree preservation and protection measures, as required by the City Landscape Architect. Trees shall be fenced at the drip line throughout the construction period and shall be maintained in a healthy condition throughout the construction period.
38. All common area landscaping, irrigation and other required improvements shall be installed prior to acceptance of improvements.
39. Landscape improvements shall be installed according to the approved plans and a Certificate of Substantial Completion, and an Irrigation Schedule shall be submitted prior to the issuance of a Certificate of Occupancy.

Solid Waste & Recycling:

40. A Construction and Demolition Debris Recycling Statement must be submitted with the building permit application.
41. A Construction and Demolition Debris Recycling Summary Report must be completed, including weigh tags, at the COMPLETION of the project.
42. This approval is subject to the requirements contained in the memo from the Solid Waste and Recycling Division of the Public Works Department dated 10/7/04.

CONDITIONS OF APPROVAL TENTATIVE TRACT MAP 7554

Unless otherwise stated, all necessary easements shall be dedicated, and all improvements shall be designed and installed at no cost to the City of Hayward.

All improvements shall be designed and constructed in accordance with the City of Hayward Municipal Code – Chapter 10, Article 3, and Standard Specifications and Details – unless otherwise indicated hereinafter.

The applicant/developer's engineer shall perform all design work unless otherwise indicated.

NOTE:

Prior to submittal of the Improvement Plans and Final Map, a Precise Plan must be reviewed and approved by the Planning Director (see Zone Change Conditions of Approval).

IMPROVEMENTS

Improvement plans shall be submitted to the City Engineer for review and approval. Subject plans shall, in addition to the standard improvements, incorporate the following special design requirements:

Cryer Street - Adrian Ave.

1. An Encroachment Permit must be obtained prior to the start of any construction within the public right-of-way.
2. Curb, gutter, sidewalk and conform paving shall be constructed at the project frontage. Handicap ramps shall be installed where required by the City Engineer. Trees along the street frontage shall be protected in place and shall remain unless removal is authorized by the City Landscape Architect.
3. The entrance to the development shall be designed as a street type opening and curb returns shall have a minimum radius of 30 feet at the curb face unless it can be shown that a smaller radius is necessary and is approved by the City Engineer.
4. New standard streetlights shall be installed along the street frontage. The design and location shall be approved by the City Engineer.
5. Existing overhead utilities along the project side of Cryer Street shall be undergrounded.

Interior Private Street

6. The interior private street shall have a 25-foot right-of-way width, 24 feet curb to curb to allow for two travel lanes and a 29-foot right-of-way, 28 feet curb to curb to allow for two travel lanes and a parking lane. The street design shall utilize standard curb and gutter. The street structural section shall be constructed to public street standards.
7. All of the private street shall be designated as a fire lane and no parking will be allowed except in the designated parking areas. Curbs shall be painted red and fire lane signage installed every 100 linear feet. Installation of red-curbing and signs shall meet Fire Department and City Engineer standards.
8. The hammerhead intersection shall be designed to meet Fire Department access and turning requirements.
9. Streetlights and pedestrian lighting shall be owned and maintained by the homeowners association and shall have a decorative design approved by the Planning Director and the City Engineer.
10. Driveways shall be a minimum of 20 feet deep between the back of curb or back of sidewalk, as appropriate.
11. On-street parking spaces shall meet City standards for dimensions and back up requirements. Of the 16 open parking spaces, 12 shall be clearly marked as visitor spaces. The CC&R's shall reflect that visitor parking spaces shall be utilized only for guest parking. Vehicles of owners/occupants may park in the remaining 4 spaces, but not to exceed 24 hours per occurrence.
12. The developer shall extend the sound wall adjacent to the Hesperian Boulevard/Highway 92 Freeway Ramp to the northerly property line.

Landscaping and Irrigation

13. Prior to the approval of the improvement plans a detailed landscaping and irrigation plan for the site shall be prepared by a licensed landscape architect and submitted for review and approval by the City's Landscape Architect. See Zone Change Conditions of Approval.

Storm Drainage

14. The on-site storm drain system shall be a private system owned and maintained by the homeowners association or property owners.
15. The Hydrology and Hydraulics Criteria Summary, Alameda County Flood Control and Water Conservation District, latest edition shall be used to determine storm drainage runoff. A detailed grading and drainage plan with supporting calculations and a completed

Drainage Review Checklist shall be approved by the Alameda County Flood Control and the City Engineer. The hydrology study shall substantiate that there will be no net increase in the quantity of runoff from the site versus the flow rate derived from the original design of downstream facilities. If there is augmented runoff, off-site and/or on-site mitigation measures will be necessary.

16. A Storm Water Pollution Prevention Plan (SWPPP) showing how storm water quality will be protected during and after construction shall be submitted for review and approval of the City Engineer.
17. The developer shall provide a copy of the Notice of Intent filed with the State Water Resources Control Board, prior to the issuance of a grading permit for the project site.
18. The project plans shall identify and incorporate Best Management Practices (BMPs) appropriate to the uses conducted onsite to effectively prevent the entry of pollutants into storm water runoff to the maximum extent practicable. Roof leaders shall discharge into a landscaped area prior to storm runoff entering a pipe system.
19. The developer shall prepare a Maintenance Agreement for storm water BMP's constructed as part of this project. The Maintenance Agreement shall be reviewed and approved by the City prior to recordation with the Alameda County Recorder's Office. The Agreement shall be recorded to ensure that the responsibility for maintenance is bound to the property in perpetuity.
20. The project street and parking areas shall be designed to facilitate street sweeping. The HOA shall be responsible for street sweeping on a regular basis.
21. The project plan measures shall also include erosion control measures to prevent soil, dirt, debris and contaminated materials from entering the storm drain system, in accordance with the regulations outlined in the ABAG Erosion and Sediment Control Handbook.
22. The applicant/developer is responsible for ensuring that all contractors are aware of all storm water quality measures and implement such measures. Failure to comply with the approved construction BMPs will result in the issuance of correction notices, citations or a project stop order.
23. The project shall not block runoff from, or augment runoff to, adjacent properties. The drainage area map developed for the hydrology design shall clearly indicate all the areas tributary to the project area. The developer is required to mitigate augmented runoffs with off-site and/or on-site improvements.
24. All storm drain inlets must be labeled "No Dumping - Drains to Bay" using City approved methods.
25. Storm water inlets shall be installed at the curb face per the City of Hayward Standard Details. The design and location shall be approved by the City Engineer.

Sanitary Sewer System

26. Sanitary sewer service is available from the City Of Hayward, subject to standard conditions and fees in effect at the time of application.
27. A City standard manhole shall be required at each change in alignment and at the end of each main. The maximum deflection / curvature between manholes is determined by the pipe material and lengths used and must be approved by the City Engineer.

Water System

28. Water service is available from the City Of Hayward and is subject to standard conditions and fees in effect at the time of application for water service. Each home must have a separate service with a radio read meter. Calculations shall be provided that show proposed water mains are adequate to supply required fire flows.
29. Water mains constructed within easements outside the private street shall be ductile iron with control valves at both ends.
30. The new water line shall extend all the way to Adrian Ave. to eliminate the sewer line crossing and stay within the private street. A minimum of a 10 foot separation shall be maintained between the sewer line and water line.
31. Two fire hydrants shall be provided within the development and locations shall be approved by the Fire Department prior to start of construction. The proposed locations are at the westerly end of Lot 12 and the northerly side of Lot 9, opposite Lot 6. Fire hydrant locations shall be identified with blue reflective pavement markers installed in the street adjacent to the fire hydrant.
32. Fire hydrants shall be modified double steamer type which shall be installed per City standards. Crash post protection may be required for the fire hydrant if it is installed in an unprotected area susceptible to potential vehicular impact.
33. Fire flow requirements for this development shall be 1,500 gallons per minute at 20 psi for a duration of 2 hours.

Utilities

34. All utility services shall be "underground service" designed and installed in accordance with the Pacific Gas and Electric Company, SBC and Comcast regulations. Transformers, and switch gear cabinets, shall be placed underground unless otherwise approved by the Planning Director and the City Engineer. Underground utility plans must be submitted for City approval prior to installation.

35. The developer shall provide and install the appropriate facilities, conduit, junction boxes, etc., to allow for installation of a fiber optic network within the subdivision.
36. All proposed surface-mounted hardware (fire hydrants, electroliers, etc.) along the proposed streets shall be located outside of the sidewalk within the proposed Public Utility Easement in accordance with the requirements of the City Engineer or, where applicable, the Fire Chief.
37. All utilities shall be designed in accordance with the requirements of the City of Hayward and applicable public agency standards.

Fire Protection

38. Each house will require interior smoke detectors (hard wired with battery backup) per the CBC.
39. Addressing for each building shall be assigned and approved by the Fire Department. Numbers shall be a minimum of 4 inches in height (self-illuminated) or 6 inch tall if on a contrasting background, and be visible from the street.
40. Approved spark arrestors shall be installed on chimney caps.

Retaining Walls

41. All retaining walls shall be constructed with decorative reinforced concrete. The exposed face of any retaining wall shall not exceed 6 feet from ground to top of wall.

Dedications, Easements and Deed Restrictions

42. The final map shall reflect:
 - a. Dedication of right-of-way along Cryer Street/Adrian Ave. if necessary to allow construction of full improvements at its ultimate width.
 - b. Five-foot-wide public utility easements (PUE) along the edge of the public/private streets where necessary as determined by the City Engineer.
 - c. Dedication of a 10 foot easement for the water main located outside the limits of the private street.
 - d. Dedication of Private Access Easement (PAE) Sanitary Sewer Easement (SSE) and Water Line Easement (WLE) over the private street.

Subdivision Agreement

43. Execute a subdivision agreement and post bonds with the City that shall secure the construction of the public improvements per Section 10-3.332, Security for Installation of Improvements, of the Municipal Code. Insurance shall be provided per the terms of the subdivision agreement.

PRIOR TO CONSTRUCTION WITH COMBUSTIBLE MATERIALS

- 44. Required water system improvements shall be completed and operational prior to the start of combustible construction to the satisfaction of the Fire Chief.
- 45. A minimum 24-foot-wide all-weather access road, engineered for 50,000 pounds gross vehicle weight, shall be maintained for emergency vehicle access.

DURING CONSTRUCTION

- 46. The following control measures for construction noise, grading and construction activities shall be adhered to, unless otherwise approved by the Planning Director or City Engineer:
 - a. Grading and construction activities shall be limited to the hours 7:00 AM to 7:00 PM Monday through Friday; there shall be no grading or construction activities on weekends or holidays;
 - b. Grading and construction equipment shall be properly muffled;
 - c. Unnecessary idling of grading and construction equipment is prohibited;
 - d. Stationary noise-generating construction equipment, such as compressors, shall be located as far as practical from occupied residential housing units;
 - e. Applicant/developer shall designate a "noise disturbance coordinator" who will be responsible for responding to any local complaints about construction noise. Letters shall be mailed to surrounding property owners and residents (within 200 feet of the project boundary) with this information.
 - f. The developer shall participate in the City's recycling program during construction;
 - g. Daily clean-up of trash and debris shall occur on Cryer Street, Adrian Ave. and other neighborhood streets utilized by construction equipment or vehicles making deliveries.
 - h. The site shall be watered twice daily during site grading and earth removal work, or at other times as may be needed to control dust emissions;
 - i. All grading and earth removal work shall follow remediation plan requirements, if soil contamination is found to exist on the site;
 - j. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites;

- k. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites;
- l. Apply (non-toxic) soil stabilizers or hydroseed to inactive construction areas (previously graded areas inactive for 10-days or more);
- m. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
- n. Gather all construction debris on a regular basis and place them in a dumpster or other container which is emptied or removed on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to storm water pollution;
- o. Remove all dirt, gravel, rubbish, refuse and green waste from the sidewalk, street pavement, and storm drain system adjoining the project site. During wet weather, avoid driving vehicles off paved areas and other outdoor work;
- p. Broom sweep the sidewalk and public street pavement adjoining the project site on a daily basis. Caked on mud or dirt shall be scraped from these areas before sweeping;
- q. No site grading shall occur during the rainy season, between October 15 and April 15, unless approved erosion control measures are in place.
- r. Install filter materials (such as sandbags, filter fabric, etc.) at the storm drain inlet nearest the downstream side of the project site prior to: 1) start of the rainy season; 2) site dewatering activities; or 3) street washing activities; and 4) saw cutting asphalt or concrete, or in order to retain any debris or dirt flowing into the City storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding. Dispose of filter particles in the trash;
- s. Create a contained and covered area on the site for the storage of bags of cement, paints, flammables, oils, fertilizers, pesticides or any other materials used on the project site that have the potential for being discharged to the storm drain system through being windblown or in the event of a material spill;
- t. Never clean machinery, tools, brushes, etc., or rinse containers into a street, gutter, storm drain or stream. See "*Building Maintenance/Remodeling*" flyer for more information;
- u. Ensure that concrete/gunite supply trucks or concrete/plasters finishing operations do not discharge washwater into street gutters or drains; and
- v. The applicant/developer shall immediately report any soil or water contamination noticed during construction to the City Fire Department Hazardous Materials Division, the Alameda County Department of Health and the Regional Water Quality Control Board.

47. A representative of the soils engineer shall be on the site during grading operations and shall perform such testing as deemed necessary by the City Engineer. The representative of the soils engineer shall observe grading operations with recommended corrective measures given to the contractor and the City Engineer.
48. The minimum soils sampling and testing frequency shall conform to Chapter 8 of the Caltrans Construction Manual. The subdivider shall require the soils engineer to daily submit all testing and sampling and reports to the City Engineer.
49. The developer shall be responsible to adhere to all aspects of the Storm Water Pollution Prevention Plan (SWPPP) as approved per conditions of approval above.
50. Construction Administration services shall be provided by the project landscape architect. Services to include:
 - a. Observation of irrigation system before burying pipes;
 - b. Observation of plant material upon delivery to the site;
 - c. Observation of layout and placement of plant material upon delivery to the site;
 - d. Observation for maintenance period commencement; and
 - e. Observation for final acceptance.

PRIOR TO CONNECTION OF UTILITIES AND ISSUANCE OF CERTIFICATES OF OCCUPANCY

51. The applicant/developer shall pay the following fees, the amount of the fee shall be in accordance with the fee schedule in effect at the time of issuance of the building permits;
 - a. Supplemental Building Construction and Improvement Tax;
 - b. School Tax; and
 - c. Park In-lieu fees for each dwelling unit at the rate in effect when the building permit for unit is issued.
52. Any damaged curb, gutter and/or sidewalk along the Cryer Street/Adrian Ave. property frontage shall be repaired or replaced to the satisfaction of the City Engineer.
53. All common area landscaping, irrigation and other required improvements shall be installed according to the approved plans.
54. The on-site street light electroliers shall be in operating condition as approved by the Planning Director and the City Engineer.

PRIOR TO CITY APPROVAL OF THE TRACT IMPROVEMENTS AS BEING COMPLETED

55. All tract improvements, including the complete installation of all improvements relative to streets, fencing, sanitary sewer, storm drainage, water system, underground utilities, etc., shall be completed and attested to by the City Engineer before approval of occupancy of any unit. Where facilities of other agencies are involved, such installation shall be verified as having been completed and accepted by those agencies.
56. All common area landscaping, irrigation and other required improvements shall be installed prior to acceptance of tract improvements, or occupancy of 80 percent of the dwelling units, whichever first occurs.
57. The improvements associated with the Pacific Gas and Electric Company, SBC and ComCast shall be installed to the satisfaction of the respective companies.
58. The subdivider shall submit an "as built" plan indicating the following:
 - a. All the underground facilities, sanitary sewer mains and laterals, water services (including meter locations), Pacific Gas and Electric Company, SBC and Comcast, etc; and
 - b. All the site improvements, except landscaping species, buildings and appurtenant structures.

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PLANNING DIVISION

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Acoustics
Audio/Visual
System Design
and Telecommunications

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Marva D. Noordzee
Candice Huey
Debbie Garcia

29 November 2004
(revised 15 July 2005)

Arlene Utal
Next Bay Properties
712 Bancroft Road, Suite 118
Walnut Creek, CA 94598

Subject: **Chabot Estate Homes – Acoustical Consulting**
CSA Project No. 04-0513

Dear Arlene:

This letter summarizes our environmental noise analysis for the subject project. The development, located northwest of both the Hesperian Boulevard to westbound State Route 92 on-ramp and 13 foot-tall Caltrans sound wall, would consist of 11 new single-family homes. An existing house (Lot 12) at the southern end of the site would be renovated, and refitted with sound-rated windows. In summary, the project site is exposed to roadway noise levels that would be considered “normally acceptable” to “conditionally acceptable.” Sound-rated windows and/or exterior doors would be required for most of the homes to meet the City’s indoor noise standard.

Acoustical Goals

The City of Hayward has outdoor noise goals as part of the Conservation and Environmental Protection Element of their General Plan. Figure 1 of Appendix N is the “Land Use Compatibility Standards for Community Noise Environments.” For single-family residential land uses, a DNL¹ of no more than 60 dB is considered “normally acceptable,” where the “specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special insulation requirements.” A DNL between 55 and 70 dB is considered “conditionally acceptable,” where “new construction or development should be undertaken only after a detailed analysis of the noise reduction requirements are made and needed noise insulation features included in the design.” Besides the noise standards established in this figure, Appendix N also suggests achieving an outdoor noise goal of DNL 55 dB in backyards of single-family homes, but also acknowledges that only 2% of the population would be highly annoyed with a DNL 60 dB noise environment. Also, a DNL of 70 dB corresponds

¹ Day-Night Average Sound Level (DNL or L_{dn})--The A-weighted noise level which corresponds to average human sensitivity to sound. The DNL sound level corresponds to an energy average during a 24-hour period. A 10-decibel penalty is applied during the hours of 10 pm to 7 am due to increased human sensitivity during the night. An A-weighting is applied to the microphone signal to approximate human sensitivity to different frequencies, i.e., pitch.

to approximately 12% of the population being highly annoyed. Additionally, the City's indoor noise standard for new housing units is DNL 45 dB.

For your information, achieving an outdoor noise goal of DNL 55 dB is considered very stringent. Most cities in the San Francisco Bay Area will allow for an outdoor DNL between 60 and 65 dB, and occasionally up to 70 dB. Also, Caltrans uses a peak hour L_{eq} ² of 67 dB as their criteria when noise abatement must be considered. According to Appendix M, Table 1 of Hayward's Conservation and Environmental Protection Element, backyards of homes down the street from the project are currently exposed to a DNL of at least 69 dB³.

The City of Hayward recognizes "that there will likely continue to be infill projects where noise sensitive land uses are proposed in areas where noise levels exceed those considered normally acceptable for the intended use. The policies and standards set forth in the Noise Element are sufficient to address these planning issues and mitigate any potential impacts to a less than significant level." We interpret that though the City would like applicants to consider the stringent outdoor noise goal, the actual outdoor noise standards are summarized in the Figure 1 land use compatibility standards. As the City recognizes the need for "infill" project, we assume that DNL 55 dB is only a suggested goal, as opposed to a standard.

Noise Measurements

On 18 to 19 November 2004, we conducted two 24-hour noise measurements and three short-term noise measurements to document the noise environment. The primary noise source heard on-site is S.R. 92. Other noise sources include general aviation activity and Hesperian Boulevard. The following Table 1 summarizes the results of the measurement program. The measurement at Site 1 near the existing house on Lot 12 was the control location. The measurement at Site 2 represents the current noise exposure to the second floor of the existing house on Lot 12. The measurement at Site 3 represents the exposure to the first floor of future home on Lot 11. The measurement at Site 4 represents the exposure to the backyard of the future home on Lot 10, and includes the acoustical shielding that would be provided by the building structure. The measurement at Site 5 represents the exposure to the backyard of the home on Lot 8 with no acoustical shielding of S.R. 92 on-ramp or Hesperian Boulevard noise. As indicated by the measurement data, the majority to the site is currently exposed to noise levels considered "conditionally acceptable" by the Figure 1 land use compatibility guidelines.

² L_{eq} --The equivalent steady-state A-weighted sound level that, in a stated period of time, would contain the same acoustic energy as the time-varying sound level during the same period.

³ At measurement location LT-3, the rear yard of 2532 Cryer Road behind the 14 foot-tall sound wall along S.R. 92 was exposed to a DNL of 69 dB a few years ago.

Table 1: Noise Measurement Results

Site	Location	Date/Time	DNL
1	195 feet north of S.R. 92 centerline, 70 feet north of sound wall, 70 feet east of western property line, and 11 feet in tree by existing house on Lot 12.	18-19 November 2004 1:00 p.m. start time	68
2	195 feet north of S.R. 92 centerline, 110 feet east of western property line, and 16 feet above site elevation (Lot 12).	18 November 2004 1:15 to 1:45 p.m.	70*
3	220 feet north of S.R. 92 centerline, 135 feet east of western property line, 5-1/2 feet above site elevation, and southern corner of proposed Lot 11 house.	18 November 2004 1:45 to 2:00 p.m.	65*
4	300 feet north of S.R. 92 centerline, 50 feet west of on-ramp centerline, 15 feet south of northern property line, and 5-1/2 feet above site elevation (Lot 8).	18 November 2004 1:15 to 1:30 p.m.	68*
5	305 feet north of S.R. 92 centerline, behind existing carriage house, and 5-1/2 feet above site elevation (Lot 10).	18-19 November 2004 2:00 p.m. start time	61

*Estimated DNL based on simultaneous short-term monitoring at Site 1.

Future Noise Environment

The future noise level for State Route 92 was calculated using a version of the Federal Highway Administration's Traffic Noise Prediction Model (FHWA RD-77-108) and incorporated the California vehicle noise emission levels (CALVENO) curves. The existing (Year 1996) and forecasted (Year 2025) traffic volumes used in the model were based on information provided in the Supplement to the Draft EIS and Draft EIR for the Proposed I-880/Route 92 Interchange Reconstruction Project prepared by Caltrans and dated June 2002. From our calculations, the future (Year 2025) noise levels along S.R. 92 would increase 1 dB above the existing noise level. We estimate that the additional increase in noise from the proposed Route 92/Hesperian Boulevard interchange realignment would be less than 1 dB. For your information, a 3 dB increase in noise would be considered barely noticeable over a period of 20 years.

Discussion/Recommendations

Outdoors: We understand that the current plan is to extend the highway sound wall to acoustically shield the homes on Lots 7 and 8 from S.R. 92 highway noise. The backyards of these homes are also exposed to Hesperian Boulevard noise from the north. We determined that the sound wall should be at least 11 feet tall along the western property line to achieve DNL 60 in the backyards. For the northern property of Lot 8, the sound wall should start at 10 feet tall and step down to 8 feet at the midway point. Sound walls that are 8 feet and taller should probably be constructed of masonry. At the northern

property line of Lot 7, the noise barrier should be 7 feet tall and step down to 6 feet at the midway point. This part of the noise barrier could be constructed of wood that is free of cracks and gaps.

Based on our measurements, future noise analysis, and assuming the aforementioned sound walls and noise barriers, we determined that all backyards of new homes, except at Lots 1, 2, 9, 10 and 11, would have a DNL no more than 60 dB on weekdays. The proposed 2-story homes are laid out well on the current tentative map in that the building structures would also provide some acoustical shielding to the backyards. At Lots 1 and 11, we estimate that the DNL in the backyards would be approximately 64 dB. Table 2 lists the estimated future hourly L_{eq} 's at the backyards of Lots 1 and 11 on weekdays. During day and evening hours (7 a.m. to 10 p.m.) the loudest L_{eq} would be 61 dB at the 10 a.m. and 9 p.m. hours. During the rest of the day the L_{eq} would not be expected to be more than 60 dB. For free flowing traffic on the weekends, we would expect that the day and evening hour L_{eq} 's to be no more than 60 dB also.

Table 2: Estimated Future Hourly L_{eq}'s at Backyard of Lots 1 and 11			
Start Time	L_{eq} (dB)	Start Time	L_{eq} (dB)
Midnight	54	Noon	60
1 a.m.	50	1 p.m.	60
2 a.m.	50	2 p.m.	59
3 a.m.	54	3 p.m.	58
4 a.m.	56	4 p.m.	58
5 a.m.	59	5 p.m.	59
6 a.m.	61	6 p.m.	59
7 a.m.	60	7 p.m.	58
8 a.m.	60	8 p.m.	58
9 a.m.	60	9 p.m.	61
10 a.m.	61	10 p.m.	60
11 a.m.	59	11 p.m.	58

At Lot 10, the future DNL would be approximately 62 dB. At Lots 2 and 9, the future DNL would be approximately 61 dB. The other six backyards would be exposed to a DNL that is considered "normally acceptable" (no more than DNL 60 dB).

Indoors: To meet the City's indoors noise standard of DNL 45 dB, sound-rated windows and exterior doors will be required at most of the homes. Our calculations are based on the information shown in the architectural drawings prepared by Dahlin Group. The following table summarizes these requirements.

Table 3: Recommended Sound Ratings		
Lot #(s)	Floor	Window STC ⁴ Rating
10, 11 and 12	Second	34
	First	29
1, 8 and 9	Second	31
2 and 7	Second	28

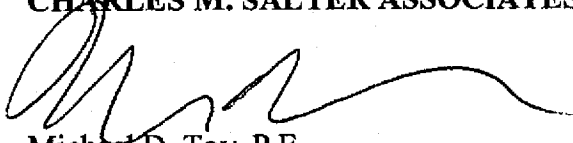
At the first floor of homes on Lots 10, 11 and 12, STC 29 exterior doors would also be required. Sound-rated assemblies are not required for any other home at the project site. However, all project homes would need to have the windows in the closed position to achieve the indoor noise standard. Therefore, an alternate source of ventilation (i.e., mechanical ventilation) may be required. Though we understand that air conditioning would be provided for each home, this aspect of the project should be reviewed by your mechanical engineer.

* * *

This concludes our noise analysis for the subject project. Please call if you have any questions.

Sincerely,

CHARLES M. SALTER ASSOCIATES, INC.



Michael D. Toy, P.E.
Principal Consultant

cc: Erik Pearson
Hayward Planning Department
Fax: 510.583.3649

MDT/ch
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⁴ Sound Transmission Class (STC)--A single-number rating derived from the sound insulation properties of a partition. Numerically, STC represents the number of decibels of speech sound reduction from one side of the partition to the other.



CITY OF HAYWARD MITIGATED NEGATIVE DECLARATION

Notice is hereby given that the City of Hayward finds that could not have a significant effect on the environment as prescribed by the California Environmental Quality Act of 1970, as amended will occur for the following proposed project:

I. PROJECT DESCRIPTION:

Zone Change No. PL-2004-0418 & Vesting Tentative Tract Map 7554/PL-2004-0417- Request to Change the Zoning From a Single-Family Residential (RS) District to a Planned Development (PD) District and Subdivide 2 Acres to Build 11 New Homes and Renovate the Existing Home. Arlene Utal for Chabot Estate Homes (Applicant)/ Greg Silva (Owner). The property is located at 2141 W. Jackson Street at the end of Cryer Street, near Chabot College in Hayward, California.

II. FINDING PROJECT WILL NOT SIGNIFICANTLY AFFECT ENVIRONMENT:

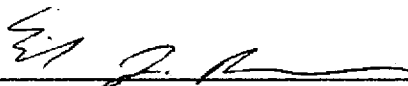
The proposed project could not have a significant effect on the environment.

FINDINGS SUPPORTING DECLARATION:

1. The proposed project has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA) and an Initial Study Environmental Evaluation Checklist has been prepared for the proposed project. The Initial Study has determined that the proposed project, with the recommended mitigation measures, could not result in significant effects on the environment.
2. The project will not adversely affect any scenic resources. A lighting plan will be required to ensure that light and glare does not affect area views. Landscape plans will be required to ensure that the number and sizes of trees is not substantially reduced during construction of the project
3. The project will not have an adverse effect on agricultural land since the property is surrounded by urban uses and it is too small to be used for agriculture.
4. The project will not result in significant impacts related to changes into air quality. When the property is developed the City will require the developer to submit a construction Best Management Practice (BMP) program prior to the issuance of any grading or building permit. This program will include sprinkling the site with water as needed to keep dust to a minimum.
5. The project will not result in significant impacts to biological resources such as wildlife and wetlands. Trees to be removed will be replaced with new trees of equal value.

6. The project will not result in significant impacts to known cultural resources including historical resources, archaeological resources, paleontological resources, unique topography or disturb human remains.
7. The project site is not located within a "State of California Earthquake Fault Zone", however, construction will be required to comply with the Uniform Building Code standards to minimize seismic risk due to ground shaking. Furthermore, a soils investigation report will be required to ensure that building foundations are adequately designed for the soil type on-site.
8. The project will not lead to the exposure of people to hazardous materials.
9. The project will meet all water quality standards. Drainage improvements will be made to accommodate storm water runoff.
10. The project is potentially consistent with the policies of the City General Policies Plan, the City of Hayward Design Guidelines and the Zoning Ordinance. Existing noise levels are rated in the General Plan's Land Use Compatibility chart as being *Conditionally Acceptable*. The existing soundwall will be extended to reduce noise levels to the extent possible.
11. The project could not result in a significant impact to mineral resources because extraction of mineral resources would be infeasible due to the property being surrounded by urban uses.
12. The project will not have a significant noise impact. Any noise impacts will be limited to the construction of the project, which will be limited to the hours of 7 a.m. to 7 p.m. Monday through Friday.
13. The project will not result in a significant impact to public services.
14. The project will not result in significant impacts to traffic or result in changes to traffic patterns or emergency vehicle access.

I. ***PERSON WHO PREPARED INITIAL STUDY:***



Erik J. Pearson, AICP Associate Planner
Dated: August 8, 2005

II. ***COPY OF INITIAL STUDY IS ATTACHED***

For additional information, please contact the City of Hayward, Planning Division, 777 B Street, Hayward, CA 94541-5007, telephone (510) 583-4210, or e-mail erik.pearson@hayard-ca.gov .



DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT
Development Review Services Division

INITIAL STUDY CHECKLIST FORM

Project title: Zone Change PL-2004-0418 and Tentative Tract Map 7554 (PL-2004-0417) – Request to Change the Zoning From a Single-Family Residential (RS) District to a Planned Development (PD) District and Subdivide 2 Acres to Build 11 New Homes and Renovate the Existing Home. Arlene Utal for Chabot Estate Homes (Applicant)/ Greg Silva (Owner).

Lead agency name and address: City of Hayward, 777 "B" Street, Hayward, CA 94541-5007

Contact persons and phone numbers: Erik J. Pearson, Associate Planner (510) 583-4210

Project location: The property is located at 2141 W. Jackson Street at the End of Cryer Street, near Chabot College in Hayward, California.

Project sponsor's name and address:
Arlene Utal
Next Bay Properties
712 Bancroft Road, Suite 118
Walnut Creek, CA 94598

General Plan: Low Density Residential (LDR)

Zoning: Single-Family Residential (RS)

Description of project: Request to change the zoning from a Single-Family Residential (RS) District to a Planned Development (PD) District and subdivide 2 acres to build 11 new homes and renovate the existing home.

Surrounding land uses and setting: Along the southeast side of the property is the on-ramp from Hesperian Boulevard to Highway 92, to the north is the Mt. Eden Presbyterian Church and Lea's Christian School and to the west are single-family homes on Adrian Avenue.

Other public agencies whose approval is required: Caltrans.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

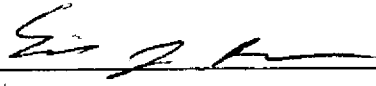
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input checked="" type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Geology / Soils |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality | <input checked="" type="checkbox"/> Land Use / Planning |
| <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise | <input type="checkbox"/> Population / Housing |
| <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Mandatory Findings of Significance | |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.


Signature

Erik J. Pearson, AICP Associate Planner

August 8, 2005

Date

City of Hayward

ENVIRONMENTAL ISSUES:

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
I. AESTHETICS -- Would the project:				
a) Have a substantial adverse effect on a scenic vista? <i>Comment: The project will not affect any scenic vista.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? <i>Comment: The project will not damage scenic resources. The trees being removed are not considered to be a scenic resource.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings? <i>Comment: The project site is hidden behind the surrounding development to the north and west and the freeway soundwall to the south and east. The character will change in that the large open yard surrounding the farmhouse will accommodate 11 new single-family homes.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? <i>Comment: Specific lighting plans have not yet been prepared.</i> <i>Mitigation: A lighting plan will be required to show that light fixtures will only illuminate the site and not the sky above it or surrounding properties.</i> <i>Implementation of this mitigation measure will reduce light and glare impacts to a level of insignificance.</i> <i>Monitoring: Condition of Approval</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

II. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? <i>Comment: The project site is not mapped as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?
<i>Comment: The project site is not zoned for agricultural use, nor is it subject to a Williamson Act contract.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?
<i>Comment: The project site is not near any farmland and could not result in the conversion of farmland.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

- | | | | | |
|--|--------------------------|-------------------------------------|--------------------------|-------------------------------------|
| a) Conflict with or obstruct implementation of the applicable air quality plan?
<i>Comment: The project will not conflict with the Bay Area 2000 Clean Air Plan or the City of Hayward General Plan policies relating to Air Quality.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

<i>Comments: The Bay Area air basin currently exceeds both federal and state standards for ozone and state standards for particulate matter <10 microns in diameter (PM10). The project is of a relatively small scale and is not expected to generate enough vehicle trips to make a significant contribution to the existing air quality violation.</i> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Impacts: Air pollutants, especially suspended particulates, would be generated intermittently during the construction period. This is a potentially significant impact.

Mitigation Measure: In order to reduce intermittent air pollutants during the construction phase, the developer shall ensure that unpaved construction areas are sprinkled with water as necessary to reduce dust generation, construction equipment is maintained and operated in such a way as to minimize exhaust emissions, and if construction activity is postponed, graded or vacant land is immediately revegetated.

Implementation of this mitigation measure will reduce air quality impacts to a level of insignificance.

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| c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <i>Comment: The number of homes proposed is within the range specified in the City Of Hayward General Plan. The pollution generated by the new vehicle trips was determined in the EIR for the General Plan to be a less than significant impact.</i> | | | | |
| d) Expose sensitive receptors to substantial pollutant concentrations? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <i>Comment: The project will not expose sensitive receptors to substantial pollutant concentrations.</i> | | | | |
| e) Create objectionable odors affecting a substantial number of people? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <i>Comment: The project will not create objectionable odors affecting a substantial number of people.</i> | | | | |

IV. BIOLOGICAL RESOURCES -- Would the project:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <i>Comment: The property is a relatively small parcel surrounded by urban development and does not provide a habitat for any species of concern.</i> | | | | |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <i>Comment: The site contains no riparian or sensitive habitat.</i> | | | | |
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <i>Comment: The site contains no wetlands.</i> | | | | |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <i>Comment: The site does not contain habitat used by migratory fish or wildlife nor is it a migratory wildlife corridor.</i> | | | | |

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| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Comment: The project is in conformance with the General Policies Plan and will conform to the requirements of the Tree Preservation Ordinance. Of the 36 trees on the property, 12 will remain in place, 1 will be relocated and 23 will be removed.

Mitigation: Replacement trees will be planted to equal the value of the trees removed to the extent possible.

Implementation of this mitigation measure will reduce biological impacts to a level of insignificance.

Monitoring: Condition of Approval

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: There are no habitat conservation plans affecting the property.

V. CULTURAL RESOURCES -- Would the project:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

Comment: The existing house on the property was built in 1897. It is proposed to be left in place and completely restored. A water tower and carriage house, built at about the same time, will be moved to be on the same lot as the house. The preservation of the house and accessory buildings on a larger parcel are the primary justification for the smaller parcels throughout the rest of the project.

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

Comment: No known archaeological resources exist on-site.

Impacts: If previously unknown resources are encountered during future grading activities, the developer and the City of Hayward will take appropriate measures.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: No known paleontological resources exist on-site.

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| d) Disturb any human remains, including those interred outside of formal cemeteries? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

Comments: No known human remains are located on-site.

Impacts: If any remains are found, all work will be stopped and police called to investigate.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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VI. GEOLOGY AND SOILS -- Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

- i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Comment: The project is not located within the Hayward Fault Zone.

- ii) Strong seismic ground shaking?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Comment: The site is not located within a "State of California Earthquake Fault Zone". The project will be required to comply with the Uniform Building Code Standards to minimize seismic risk due to ground shaking.

Impacts: Ground shaking can be expected at the site during a moderate to severe earthquake, which is common to virtually all development in the general region. This impact is considered less than significant.

- iii) Seismic-related ground failure, including liquefaction?

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Comment: The site lies within the large portion of Hayward that is mapped as being subject to seismic liquefaction. Prior to issuance of a building permit, engineering and building staff will review a soils investigation report to ensure that the building foundations are adequately designed for the soil type on-site.

Mitigation: Prior to issuance of a building permit, the developer shall submit a soils investigation report.

Implementation of this mitigation measure will reduce soil and geologic impacts to a level of insignificance.

Monitoring: Condition of Approval

- iv) Landslides?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: The project is not located within an area subject to landslides.

- b) Result in substantial soil erosion or the loss of topsoil?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Comment: The Engineering Division will ensure that proper erosion control measures are implemented during construction.

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| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Comment: See comment VI (a)(iii).

- | | | | | |
|--|--------------------------|-------------------------------------|--------------------------|--------------------------|
| d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|-------------------------------------|--------------------------|--------------------------|

Comment: Prior to issuance of a building permit, engineering and building staff will review a soils investigation report to ensure that the building foundations are adequately designed for the soil type on-site.

Mitigation: Prior to issuance of a building permit, the developer shall submit a soils investigation report.

Implementation of this mitigation measure will reduce soil and geologic impacts to a level of insignificance.

Monitoring: Condition of Approval

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|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: The site would be connected to the City of Hayward sewer system.

VII. HAZARDS AND HAZARDOUS MATERIALS - Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: There is no evidence of hazardous materials at the site nor will hazardous materials be used or transported at or near the site.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: See VII a.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: See VII a.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? <i>Comment: See VII a.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? <i>Comment: The project is not located within an airport zone.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? <i>Comment: See VII e.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? <i>Comment: The project will not interfere with any known emergency response plan or emergency evacuation plan. The Hayward Fire Department serves the area. Emergency response times will be maintained.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? <i>Comment: The project is not located in an area of wildlands and is not adjacent to wildlands.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

VIII. HYDROLOGY AND WATER QUALITY -- Would the project:

a) Violate any water quality standards or waste discharge requirements? <i>Comment: The project will meet all water quality standards. Drainage improvements will be made to accommodate runoff.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? <i>Comment: The site will be served with water by the City of Hayward. Therefore, water quality standards will not be violated and groundwater supplies will not be depleted. Recharge of the groundwater table will be decreased as the proposal involves increasing the percentage of the site covered with impervious surfaces. This impact is deemed insignificant as there are no known wells nearby that would see a drop in production.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? <i>Comment: The project is not located near a stream or a river. Development of the site will not result in substantial erosion or siltation on-or off-site.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? <i>Comment: The project is within an urban area and runoff will leave the site via the City's storm drain system. Drainage patterns on the site will not cause flooding. The grade at the rear portion of the site will be raised to allow runoff to flow over the new public streets if the storm drain system becomes clogged.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? <i>Comment: The amount of run-off from the project will not exceed the capacity of the stormwater drainage system. See VIII a.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality? <i>Comment: See VIII a.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? <i>Comment: According to FEMA Flood Insurance Rate Maps (panel # 065033-0011E and 065033-0019E dated February 9, 2000), this site is not within the 100-year flood hazard area.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? <i>Comment: See VIII g.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? <i>Comment: The site is not within the 100-year flood zone, is not near any levees and is not located downstream of a dam.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow? <i>Comment: The project is not in a location that would allow these phenomena to affect the site.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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IX. LAND USE AND PLANNING - Would the project:

- a) Physically divide an established community?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: The project will not physically divide the existing community.

- b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Comment: The project is potentially consistent with the General Plan policies regarding noise guidelines for new development. Although the project rear yards with noise levels in excess of the guideline, the noise levels from traffic on Hesperian Boulevard and Highway 92 are existing and will not increase as a result of this project. The project, as designed, makes every effort to satisfy the guidelines and is potentially consistent with the Land Use Compatibility chart which rates the site as being Conditionally Acceptable.

Mitigation: The existing soundwall will be extended to the north to reduce noise levels for some lots. Also, the developer has agreed to have buyers sign and record against the title an acknowledgement regarding the noise levels. Furthermore, the houses on Lots 1, 2, 9, 10 and 11 will not be sold until the houses are substantially completed so that buyers can experience the noise in the rear yards before committing to a purchase.

- c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: See IV f.

X. MINERAL RESOURCES – Would the project:

- a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: The project will not result in a significant impact to mineral resources since the subject site is located in an urbanized area that does not contain mineral resources that could be feasibly removed.

- b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: See X a.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
XI. NOISE - Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><u>Comment:</u></p> <p><i>While the project would not result in a permanent increase in ambient noise levels in the project vicinity above levels existing without the project, the project would expose people to existing noise levels as discussed in IX (b) above.</i></p> <p><i>Construction of the homes may result in noise or noise levels in excess of standards established in the Noise Element of the Hayward General Plan or the Municipal Code, or applicable standards of other agencies if any, will be temporary in nature during the construction of the homes and associated improvements. All City noise standards are required to be met and maintained upon completion of construction. Grading and construction will be limited to the hours between 7:00 a.m. and 7:00 p.m. Monday through Friday. No work will be done on weekends or national holidays.</i></p>				
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><u>Comment:</u> Any exposure of persons to excessive groundborne vibration or groundborne noise levels would be temporary in nature during the construction of the homes and associated improvements.</p>				
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><u>Comment:</u> See XI a</p>				
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><u>Comment:</u> See XI a</p>				
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><u>Comment:</u> See VII e.</p>				
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><u>Comment:</u> See VII e.</p>				

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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XII. POPULATION AND HOUSING – Would the project:

- a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Comment: Eleven new homes are proposed. The associated infrastructure to be constructed will not facilitate any further development.

- b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: No housing will be displaced..

- c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: See XII b.

XIII. PUBLIC SERVICES

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

- a) Fire protection?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: The proposed project would have no effect upon, or result in only a minimal need for new or altered government services in fire and police protection, schools, maintenance of public facilities, including roads, and in other government services.

- b) Police protection?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: See XIII a.

- c) Schools?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: See XIII a.

- d) Parks?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: See XIII a.

- e) Other public facilities?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: No other public facilities will be significantly impacted.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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XIV. RECREATION --

- a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	-------------------------------------	--------------------------

Comment: The project will add to the number of people using area parks, however the increase will not be significant enough to cause deterioration of the facilities.

- b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

Comment: The proposal does not include the construction of recreational facilities.

XV. TRANSPORTATION/TRAFFIC -- Would the project:

- a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Comment: According to an analysis by the City's transportation planners, the proposal will not cause a substantial increase in traffic for surrounding streets and no traffic study was required.

- b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

Comment: See XV a.

- c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: The project will not affect air traffic patterns.

- d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

Comment: The proposal has no hazardous design features or incompatible uses.

- e) Result in inadequate emergency access?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

Comment: The Hayward Fire Department has reviewed the project and finds the project acceptable to Hayward Fire Department requirements and standards.

- | | Potentially
Significant
Impact | Potentially
Significant
Unless
Mitigation
Incorporation | Less Than
Significant
Impact | No
Impact |
|---|--------------------------------------|---|------------------------------------|-------------------------------------|
| f) Result in inadequate parking capacity?
<i>Comment: The City's Off-Street Parking regulations do not specifically address single-family development where street parking is limited. Each house would have a 2-car garage, space for 2 cars in a driveway and 16 on-street parking spaces for a total of 64 spaces or 5.3 spaces per unit throughout the project.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?
<i>Comment: The project does not conflict with adopted policies supporting alternative transportation.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

XVI. UTILITIES AND SERVICE SYSTEMS - Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?
<i>Comment: The project will not exceed wastewater treatment requirements.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?
<i>Comment: The City's existing wastewater treatment facilities are capable of handling the wastewater to be generated by the project.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?
<i>Comment: The City's existing storm water drainage facilities are capable of handling the storm water to be generated by the project.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?
<i>Comment: The City of Hayward supplies water to the site and has sufficient water to serve the project.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?
<i>Comment: The City of Hayward operates its own wastewater facility. This facility has the capacity to accommodate the amount of wastewater that will be generated by the project.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

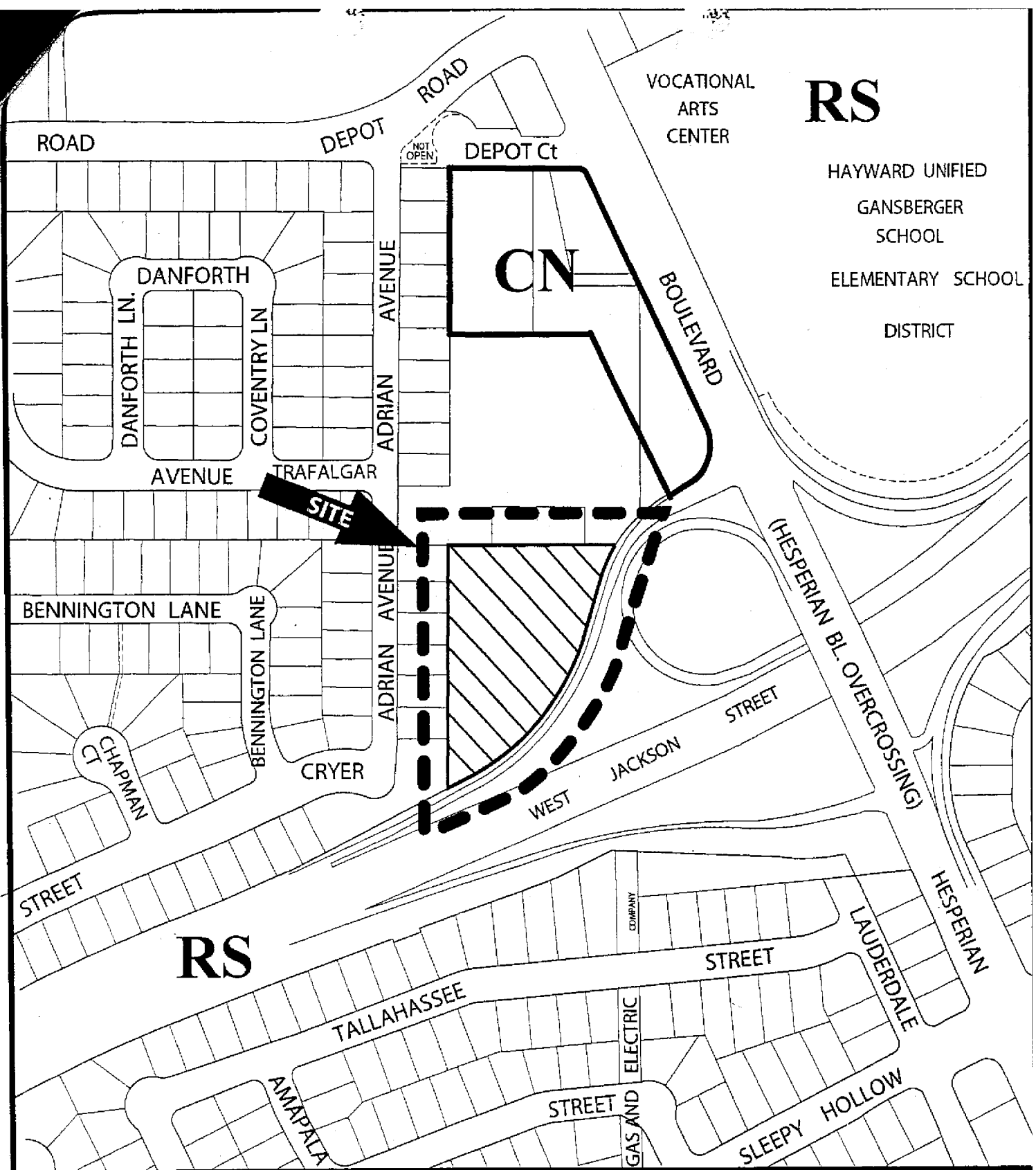
- | | Potentially
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Unless
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Incorporation | Less Than
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Impact | No
Impact |
|---|--------------------------------------|---|------------------------------------|-------------------------------------|
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <i>Comment: Waste Management of Alameda County will dispose the solid waste. The Altamont landfill is available to the City of Hayward until 2009 and has sufficient capacity to handle the amount of solid waste generated by the project. The landfill recently received an approval that increases the capacity and adds 25 years to the life of the landfill to the year 2034.</i> | | | | |
| g) Comply with federal, state, and local statutes and regulations related to solid waste? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <i>Comment: The project study area participates in the Waste Management of Alameda County recycling program. Construction and operation of the project will comply with all federal, state and local statutes and regulations related to solid waste.</i> | | | | |

XVII. MANDATORY FINDINGS OF SIGNIFICANCE --

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Attachments:

A – Area/Zoning Map



RS

HAYWARD UNIFIED
GANSBERGER
SCHOOL
ELEMENTARY SCHOOL
DISTRICT

RS

Area & Zoning Map

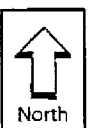
PL-2004-0417 TTM 7554

Address: 2141 West Jackson Street

Applicant: Arlene Utal

Owner: Greg Silva

CN-Neighborhood Commercial
RS-Single-Family Residential,RSB4,RSB6



MITIGATION MONITORING PROGRAM

Zone Change PL-2004-0418
Tentative Tract Map 7554 (PL-2004-0417)
Arlene Utal for Chabot Estate Homes (Applicant)
Greg Silva (Owner)

2141 W. Jackson Street

1. *AESTHETICS*

Mitigation Measure: A lighting plan will be required to show that light fixtures will only illuminate the site and not the sky above it or surrounding properties.

Implementation Responsibility: Applicant

Verification Responsibility: Planning Division

Monitoring Schedule during Plan Review: Prior to issuance of building permits.

Monitoring Schedule during Construction/Implementation: Building Inspector will ensure that lights are installed per approved plan.

2. *AGRICULTURE RESOURCES—No mitigation required*

3. *AIR QUALITY*

Mitigation Measure: In order to reduce intermittent air pollutants during the construction phase, the developer shall ensure that unpaved construction areas are sprinkled with water as necessary to reduce dust generation, construction equipment is maintained and operated in such a way as to minimize exhaust emissions, and if construction activity is postponed, graded or vacant land is immediately revegetated.

Implementation Responsibility: Applicant

Verification Responsibility: Construction Inspector

Monitoring Schedule during Plan Review: Prior to issuance of a grading permit.

Monitoring Schedule during Construction/Implementation: Construction Inspector will ensure that sprinkling is done as necessary to minimize dust.

4. *BIOLOGICAL RESOURCES—*

Mitigation Measure: A landscape plan will be prepared to show that the value of all trees being planted is equal to the value of all trees removed.

Implementation Responsibility: Applicant

Verification Responsibility: Planning Division

Monitoring Schedule during Plan Review: Prior to issuance of building permits.

Monitoring Schedule during Construction/Implementation: City
Landscape Architect will review and approve the plan. City Landscape Architect
will also inspect plantings.

5. CULTURAL RESOURCES – No mitigation required

6. GEOLOGY AND SOILS

Mitigation Measure: Prior to issuance of a building permit, the developer shall submit a soils investigation report.

Implementation Responsibility: City

Verification Responsibility: Engineering & Transportation Division of Public Works

Monitoring Schedule during Plan Review: Prior to issuance of building permits.

Monitoring Schedule during Construction/Implementation: Building Inspector will ensure that improvements are constructed per the approved report.

7. HAZARDS AND HAZARDOUS MATERIALS– No mitigation required

8. HYDROLOGY AND WATER QUALITY– No mitigation required

9. LAND USE & PLANNING

Mitigation Measure: Prior to occupancy of any new house, the existing sound wall will be extended toward the northeast corner of the site as recommend by Charles M. Salter Associates in a report dated July 15, 2005.

Implementation Responsibility: Developer

Verification Responsibility: Building Inspection Division

Monitoring Schedule during Plan Review: Prior to issuance of any Certificate of Occupancy.

Monitoring Schedule during Construction/Implementation: Building Inspector will ensure that improvements are constructed per the approved plans.

10. MINERAL RESOURCES– No mitigation required

11. NOISE– No mitigation required

12. POPULATION & HOUSING – No mitigation required

13. PUBLIC SERVICES– No mitigation required

14. RECREATION– No mitigation required

15. TRANSPORTATION/TRAFFIC– No mitigation required

16. UTILITIES AND SERVICE SYSTEMS– No mitigation required



CITY OF HAYWARD AGENDA REPORT

Meeting Date 05/12/05
Agenda Item 2

TO: Planning Commission

FROM: Erik J. Pearson, AICP, Associate Planner
Andrew S. Gaber, P.E., Development Review Engineer

SUBJECT: **Update to Report Dated April 14, 2005 for Zone Change No. PL-2004-0418 & Vesting Tentative Tract Map 7554/PL-2004-0417 –Arlene Utal for Chabot Estate Homes (Applicant)/ Greg Silva (Owner) – Request to Change the Zoning From a Single-Family Residential (RS) District to a Planned Development (PD) District and Subdivide 2 Acres to Build 11 New Homes and Renovate the Historic Home**

The Project Location Is at the Easterly End of Cryer Street at Adrian Avenue.

RECOMMENDATION

Staff recommends that the Planning Commission find the project exempt from the California Environmental Quality Act, deny the zone change application and Preliminary Development Plan and deny the Vesting Tentative Tract Map application, subject to the attached findings.

DISCUSSION

On April 14, 2005 the Planning Commission continued this hearing to the meeting of May 12, 2005. In response to staff's report dated April 14, 2005, the applicant has made some revisions to the site plan and has also prepared a written response, which are attached.

Changes to the site plan include:

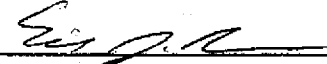
- The garage and driveway on Lot 11 is now on the right side to reduce its visibility as one enters the project. However, the 18-foot driveway would be shorter than the City's standard of 20 feet.
- The rear yards of Lots 9 through 11 have been made larger, but at the expense of the turn-around on Lot 1, which would no longer be functional. Also, the rear yards of Lots 10 and 11, along with Lots 1 and 12, still would have noise levels exceeding the General Plan guideline.

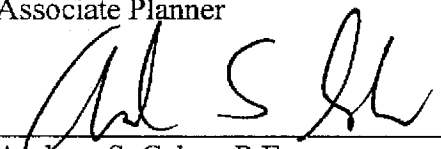
Regarding the grassy swale, the hydrology report prepared by the applicant's engineer still does not address the City's landscape and drainage concerns. The area next to the wall needs to include a 5-foot-wide strip for trees and landscaping, which cannot be part of the swale. The calculations indicate that a 10-foot-wide swale is necessary to provide the necessary treatment for the storm runoff, which, when combined with the required landscaped area, would require a 15-foot setback from the sound wall; only 10 feet is proposed.

In order to achieve the necessary cleaning action, the swale must be planted with grasses or a ground cover that is flush to the ground. Approval of the project as it is currently designed would likely mean that the screen trees normally required at the perimeter of the site could not be planted and any landscaping planted to soften the sound wall would be minimal.

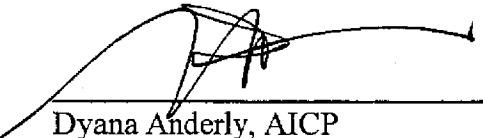
Finally, staff has learned that, as part of the Interstate 880/Highway 92 interchange project, there will be changes to the on and off ramps at Hesperian Boulevard and Highway 92. If the Planning Commission supports the proposed project, staff would ask the applicant to provide an updated noise analysis as part of the environmental review process.

Prepared by:


Erik J. Pearson, AICP
Associate Planner


Andrew S. Gaber, P.E.
Development Review Engineer

Recommended by:


Dyana Anderly, AICP
Planning Manager

Attachments:

- A. Planning Commission Agenda Report date April 14, 2005
- B. Written Response from Applicant
Revised Site Plan

RECEIVED

MAY 02 2005

April 28, 2005

PLANNING DIVISION

City of Hayward
Planning Commission
777 B Street
Hayward, CA 94541

Re: Chabot Estate Homes

Dear Commissioners,

Thank you for continuing our hearing date until May 12 for our application on Chabot Estate Homes. This gave us the opportunity to respond to the concerns of Staff in the report.

Enclosed please find our comments on the report and our modifications in response to some of Staff's concerns to our plan for 11 new homes and restoration of the historic house on 2 acres off of Adrian and Cryer Street.

We request the Planning Commission to provide comments and direction to Staff on the revised plan, in particular on its consistency with the General Plan as a whole (i.e., does the rear yard decibel levels in 3 lots cause the entire project to be inconsistent with the General Plan as a whole?) Thank you for your consideration.

Sincerely,

Arlene Uta

Response to Staff Report
Meeting Scheduled April 14
(Continued to May 12, 2005)
Chabot Estate Homes
2141 W. Jackson Street

History:

Over the past year we have taken the time and effort to work with staff on this project. Our willingness to comply with their comments and concerns has resulted in our production of a series of fifteen (15) different design layouts.

Early designs started with removing the historical house and miscellaneous structures, then moving the historical house and leaving the historic house in place. Staff has been insistent on leaving the historical home in place and our current plan reflects that direction from Staff. With that instruction, we designed a project compatible with the surrounding community. To accomplish the design of an attractive, marketable, and community sensitive project that is also economically viable, and able to meet all of the criteria of the city of Hayward and incorporate the suggestions and concerns of Staff; we solicited the best architectural, civil and geotechnical engineers, arborists and landscape architects available. We also contracted with a historical architect to consult on the issue of the historic house and how to properly design our project with the historic home restored.

Our proposed project consists of an estate lot comprised of the historical house, the carriage house and water tower totaling almost 14,000 square feet. The homeowners association will own the road, common areas, parking, landscaping and grassy swale along the sound wall. This area totals approximately 25,000 square feet. The balance of the property will be 11 new single family homes in which we have incorporated into the architecture an historic facade to complement the historic home.

The Noise Issue:

The text of the General Plan is inconsistent with Appendix N. On the chart it clearly shows that Residential-Low Density is "normally acceptable" for up to 60 dB. We are requesting a rezone to PD which is not addressed anywhere in the General Plan regarding noise. It also shows that single family, duplex is "conditionally acceptable" up to 70 dB. Of our 11 new units there are 8 at 60 dB and 3 are at 63 dB. The sound study done by Charles M. Salter dated November 29, 2004 states "A 3 decibel increase in noise would be considered a barely noticeable increase."

We are in substantial compliance to the General Plan and the Planning Commission can make that determination.

Open Space:

In response to the Staff Report we have adjusted the rear property lines by rotating the houses on lots 10 & 11 which increases the rear yards from 15 to an average of 25 feet on lot 10 and 16 feet on lot 11. All other properties have a minimum of 20 feet in the rear yard. Staff recommends because two homes do not have 20 feet in the rear yards that the community of only 11 new homes should have a common open space. Staff proposes lot 8 for this area. Lot 8 is approximately 7,000 square feet in size, which is the largest lot of the new homes. This suggestion defies common sense and is not economically feasible.

Historic Water Tower:

Staff also recommends that the historic water tower be left in place on lot 8. This would be an unreasonable burden and an unacceptable liability on the homeowner's association. This historic water tower would become the local kid's tree house. Again, common sense dictates that the historic water tower should be placed within the estate lot and be owned and maintained by the estate homeowner.

Garage Width Issue:

Over the past year we have redesigned our homes four (4) times to meet the Design Guideline of the 50% rule (garages cannot be more than 50% of the front width of the house). We fixed this problem by increasing the width of each house. Our current plan is for two models homes ranging in square footage from 2,287 to 2,410. This reflects an increase in the square foot of each home by about 200 square feet because of the increased width.

Architecture:

By eliminating lot 1 (as suggested in the staff report) and widening the homes we would again increase the interior square footage. We have already met the statutory 50% rule by increasing the width the each house. It is therefore not necessary to eliminate lot 1 to make the homes wider. A wider home would increase the overall square footage to a point inconsistent with the surrounding homes and make the resulting sales price too high and un-marketable.

Staff is concerned when you enter the property the first feature one would view is a garage. In fact, that is completely wrong; the first thing you will view is the historic water tower. It is only after that the carriage house and historic home would be viewed.

Staff suggests that lots 9 through 11 could have garages accessed from the rear of the lots. By making this design change lots 9, 10 and 11 would lose their entire back yards. Although lots 10 & 11 rear yards are slightly smaller with the current plan by designing rear loaded garages the required standard driveway of 20 feet wide by 18 feet long would eliminate the rear yards.

Staff also suggests that the historic estate (lot 12) could have the carriage house located behind it as well. This would completely ruin the beautiful backyard and violate the integrity of the historic estate that our historical architect has suggested for the historic home. Staff also suggests that a path behind the historic house be put in so people could walk more directly from the end of Cryer Court to the entrance. Common sense begs the questions: Who would own this path and all privacy and security to the historic estate home would be lost?

A more sensible approach would be our suggestion to flip the homes on lots 10 and 11 so the garages are on the right side as one drives down the street. By rotating the units on lots 10 & 11 as explained above we will be able to put an 18' driveway on lot 11 and eliminate the extra parking space next to the unit.

Building Separations/Setbacks:

We are proposing replacing the current chain link fence that separates our property (lots 5, 6, 7, 8) and the church with a masonry wall. At the end of Cryer Court a gate will be installed for our homeowners to enter and exit the two schools which are on the adjacent church property.

Between the existing homes on Adrian and our new homes lots 1-5 and estate lot 12 there will be all new good neighbor fencing installed.

The staff report states that Lot 11 has only a 5-foot front yard setback where 20 feet is required. We have now corrected that with an 18' driveway and putting the garage on the right side of the lot.

Trees & Landscaping:

The property has been unattended and not maintained for approximately forty (40) years. Most of the trees are dead, dying or diseased. We have already included in our proposal full mitigation on our landscape plan. We also will be able to keep the trees 18, 19 and 20 by carefully pruning at the supervision of a licensed arborist. In addition, we will be installing wood decks where needed, in place of concrete decks to help preserve the trees.

To meet the requirements of the Clean Water Program we have designed a grassy swale which filters the runoff and complies with Clean Water Design requirements. Our engineer has done a full hydrology study and calculated the amount of impervious surface we will need to mitigate. We meet all state requirements with this system. By adding trees to this area, it will not impede the drainage.

In response to the Staff Report, we have adjusted the bulb-outs along the sound wall to be a minimum interior width of 5 feet.

PUBLIC NOTICE

October 4, 2004 at 9:00 AM:

The Staff Report fails to mention that at the neighborhood meeting held at City Hall offices Next Bay Properties was invited to the monthly meeting of the Mount Eden Homeowners' Association. We accepted the invitation and requested that staff join us.

October 21 at 7:30 PM:

Next Bay Properties attended the Mount Eden monthly homeowners meeting on October 21, 2004. No staff person attended. There were more than twenty-five (25) neighbors who attended the meeting primarily to meet with us regarding our proposed project. We spent more than 2 hours reviewing our project and answering questions. At the end of the meeting several of the neighbors asked if they could inspect the property as it had not been open to the community in over 40 years. We agreed and set up a field trip. We informed staff of the field trip but again, no one from staff attended.

November 21 at 2:00:

On Sunday November 21, we met over 30 neighbors and many members of the community at the Property. Several members of the Hayward Historical Society came. We spent approximately 3 hours talking to neighborhood people and answering their questions. We have also spoken individually with neighbors, especially on Adrian, where homes back directly against our site.

CONCLUSION

- Total effort and care will be taken to reasonably protect and preserve trees on the site
- In response to Staff we have de-emphasized the garages, especially in lots 10 & 11 by putting the garages on the right sides of the homes and rotating the units to include an 18' driveway on lot 11.
- This is a small in-fill parcel of only 2 acres. We are going to great expense to restore an historic house, carriage house and water tower. The project must be financially feasible for us to move forward with these great expenses and the creation of an open space area for only 11 homes is overly burdensome and not reasonable.
- Lot 1 works very well and we have improved the driveway on lot 11 to be 18' long.
- The grassy swale is a function of engineering. We can demonstrate that hydrology calculations will meet state requirements for the Clean Water act.



CITY OF HAYWARD AGENDA REPORT

Meeting Date 4/14/05
Agenda Item 3

TO: Planning Commission

FROM: Erik J. Pearson, AICP, Associate Planner
Andrew S. Gaber, P.E., Development Review Engineer

SUBJECT: **Zone Change No. PL-2004-0418 & Vesting Tentative Tract Map 7554/PL-2004-0417 –Arlene Utal for Chabot Estate Homes (Applicant)/ Greg Silva (Owner) – Request to Change the Zoning From a Single-Family Residential (RS) District to a Planned Development (PD) District and Subdivide 2 Acres to Build 11 New Homes and Renovate the Existing Home**

The Project Location Is 2141 W. Jackson Street at the End of Cryer Street Near Chabot College.

RECOMMENDATION

Staff recommends that the Planning Commission find the project exempt from the California Environmental Quality Act, deny the zone change application and Preliminary Development Plan and deny the Vesting Tentative Tract Map application, subject to the attached findings.

BACKGROUND

The Penke-Cryer property is a portion of what was originally a 163-acre farm dating back to 1858. The property is occupied by a house, a carriage house/caretaker's house, a toolhouse/laundry room, a three-car garage and a tankhouse or water tower. A historic assessment prepared in May 2004 found that all structures, with the exception of the garage have historic value. The historic farm house was built in 1897 for newlyweds John Penke and Pamela Oliver and was the second house on the property. Most of the farm was sold to developers in the 1950s and the original house was destroyed by fire in 1958. The remaining 2.01-acre parcel is now bordered by the on-ramp from Hesperian Boulevard to Highway 92 along the southeast side, to the north is the Mt. Eden Presbyterian Church and Lea's Christian School and to the west are single-family homes on Adrian Avenue.

DISCUSSION

The applicant has requested to change the zoning of the property from a Single-Family Residential (RS) District to a Planned Development (PD) District to allow the subdivision of the 2-acre parcel into 12 lots for the construction of 11 new homes. The historic house would be on a 13,882-square-foot lot and the remaining 11 lots would range in size from 3,772 square feet to 7,021 square feet.

General Plan/Neighborhood Plan

The property has a General Plan land use designation of Low Density Residential, which allows up to 8.7 dwelling units per net acre. The proposed subdivision would have a density of approximately 8.4 dwelling units per net acre. One strategy listed in the Parks and Open Space section of the Neighborhood Plan states, "Preserve park-like setting of Penke/Cryer estate and other significant stands of trees in the course of development if the trees are healthy." The Plan also identifies the project site as a possible park site, but recognizes that access to the site is less than desirable. Staff spoke with the Hayward Area Recreation and Park District's General Manager who said that the property does not meet the District's requirements for a park site.

Noise

The text of the General Plan relating to noise and pertinent appendix are attached. Appendix N of the General Plan contains the Guidelines for the Review of New Development where it states that:

"New development projects shall meet acceptable noise level standards. The "acceptable" noise standards for new land uses as established in Land Use Compatibility for Community Exterior Noise Environments (see Figure 1) shall be used with further consideration of the following:

The maximum acceptable exterior noise level in residential areas is an L_{dn} of 55 decibels (dB) for single-family development and an L_{dn} of 60 dB for multi-family development. These levels shall guide the design and location of future development, and are the goals for the reduction of noise in existing development. These goals will be applied where outdoor use is a major consideration (e.g. backyards in single-family housing developments and recreation areas in multi-family housing projects). The outdoor standard will normally be applied to any area considered to be "useable open space", including decks and balconies associated with apartments and condominiums."

Irrespective of the discussion within the General Plan that specifically speaks to 55 as being the maximum noise level, Figure 1 in Appendix N is a table indicating that the maximum noise level that is "normally acceptable" is 60 dB. The back yard of a single-family house is a place where children should be able to play for extended periods of time or adults enjoy a meal without being subjected to loud noises. A noise analysis prepared by Charles M. Salter Associates, Inc. found that 3 of the 11 proposed homes, in addition to the existing home would have rear yards that would exceed the outdoor noise guidelines for single-family homes. The consultant estimates that the rear yards of Lots 1, 10 and 11 would have a noise level of approximately 63 dB and Lot 12 would continue to exceed 60 dB. Therefore, one third of the total of 12 homes would exceed the higher guideline of 60 dB and all of them exceed the guideline of 55 dB indicated as acceptable in the discussion in the General Plan. Because all the proposed homes are two-story, Lots 1, 10, 11 would block the noise for the other lots. If Lots 1, 10 and 11 were eliminated, then Lots 2, 3 and 9 may have yards exceeding the noise limit. Staff has found that the traffic noise from the freeway is considerable and makes it necessary to raise one's voice to carry on an outside conversation even when standing near the sound wall.

It is the opinion of the acoustical consultant that no alternative site design could adequately reduce noise levels in the yard areas. In staff's opinion, the site is not appropriate for single-family development given the proposed layout.

Staff suggested the applicant explore other options for developing the property, including attached units or creating usable group open space in an area where noise is not excessive, however they chose to pursue the current proposal indicating that the neighborhood prefers detached homes and that it would not be economically feasible to lose any units. The developer indicates that because they are asking for a Planned Development, that exceptions to development standards, including noise, can be made. However, the types of exceptions typically granted are those for lot size, setbacks or building separation, or size of open space provided. In this case, most of the proposed lots have less than the 5,000 square feet typically required for single-family homes. This exception is offset by the fact that the historic house to be renovated would be maintained on a historically appropriate larger lot.

Findings required to approve a Zone Change, Planned Development and Tentative Tract Map include a finding of consistency with the General Plan. Because of the potential nonconformance raised by the noise levels, staff is unable to recommend approval of the project.

While staff cannot support the project due to noise impacts, there are other aspects of the project, irrespective of noise, that merit consideration and are discussed below.

Open Space

Each proposed house would have a fenced yard area. Although the applicant is requesting a zoning change to PD, which allows some flexibility, the underlying RS zoning is used as the basis for development standards. While the RS zoning requires 20-foot deep rear yards, Lots 10 and 11 have rear yards only 15 feet deep. A group open space is normally required in a project where 20-foot rear yards are not provided for all homes, but none is proposed. If the water tower were left in place, the area of the proposed Lot 8 would make an attractive open space that would have a noise level of 60 dB.

Other nearby recreational opportunities include the Rancho Arroyo Park & Mount Eden Little League Fields on Depot Road, the Eden Gardens Elementary School and Chabot College are close by and would provide additional recreational opportunities for residents of the project. In addition, if the project were approved, the applicant would be required to pay park in-lieu fees to help pay for new facilities in the area.

Architecture

The proposed homes range in size from 2,287 square feet to 2,410 square feet. There are two models, each with two architectural schemes. Both plans are two stories, have four bedrooms and an attached two-car garage. All four elevations have front porches and have been designed with Victorian elements to complement the historic farmhouse.

Technically the houses meet the Design Guideline of limiting the garage to no more than 50 percent of the front elevation, however, this is accomplished only by wrapping the front porch around and in front of a portion of the garage. This does not meet the intent of providing more living space at the front of a house where people can watch the street. If Lot 1 were eliminated as discussed below, then Lots 2 through 5 could be made wider to increase the width of the living area on the front elevation.

In staff's opinion, the historic house should be the primary feature of the project, but plans show that upon entering the development site a garage would be the first structure to be viewed. To prevent one's view when entering the project from being dominated by garages, Lots 9 through 11 could have garages accessed from the rear of the lots and the detached garage on Lot 12 could be relocated to the rear of the lot. This would require the elimination of Lot 1. This would also allow the possibility for a walking path along west property line of Lot 12 behind the historic house so that people could walk more directly from the end of Cryer Court to the entrance/exit of the project. Given the fact that there is no sidewalk proposed along Cryer Court, the path would also allow a safer way for people to get to the public sidewalk on Cryer Street. Although these changes would make the project more attractive, the noise problem would remain.

Parking/Circulation

The project has been designed with a total of 63 parking spaces, or 5.25 parking spaces per unit. The two-car garages would account for 24 of the spaces, the driveways would accommodate 23 spaces and the remaining 16 spaces are parallel parking spaces on what would be known as Cryer Court. Lot 11 is the only lot where there is not room for parking of two cars in the driveway. This house has been shifted closer to the street to allow room for a turn-around area on Lot 1. Lot 11 has an additional driveway on the side for parking one car. This is an undesirable parking arrangement and is one of the indications that there are too many lots proposed for the property. This layout also requires the garage on Lot 11 to be only 5 feet from the street and for the garage to be on the left side, making it the first visible element of the house when entering the project.

Building Separation/Setbacks

All proposed homes would be separated by at least 10 feet and all structures meet the setbacks required by the RS zoning with a few exceptions. The proposed house on Lot 5 would be only 5 feet from the side property line where 10 feet would normally be required, however this property line abuts the rear of the church where there are accessory structures scattered along the fence, so the reduced setback is not expected to negatively impact the adjacent property. Also, as discussed above, Lots 10 and 11 are designed with rear yards with less than the 20-foot setback required by the RS zoning and Lot 11 has only a 5-foot front yard setback where 20 feet is required.

Trees & Landscaping

The project would require the removal of 19 of the 33 trees on the site. If the project is approved, replacement trees totaling in value equal to those removed would be required to be planted throughout the site. All the trees to be removed have been rated as being in moderate to poor health and structure with the exception of three trees (labeled as 24, 40 and 41 on Sheet L-1 of the plans). According to the City Landscape Architect, these trees would not be compatible with residential development.

Two story homes are being proposed under the dripline of three other trees (labeled as 18, 19 and 20). The pruning that would be necessary to build the homes would create a tree canopy unacceptable to the City. Although the trees, in the short term, might survive the major pruning, they would look unnatural in form and the long term damage to such trees is difficult to assess. In the past, the City has received complaints from neighbors when this type of extensive pruning

occurs. City Design Guidelines discourage the construction of structures within the dripline of existing trees. It should be noted that these three trees are located along the western property line of the project site and have canopies that extend into lots on Adrian Avenue. Staff recommends any development of the site avoid construction within the dripline of the trees.

The developer is proposing to construct a grassy swale along the soundwall to meet Clean Water Program requirements to filter stormwater before it enters the City system. This swale must be designed to meet accepted standards for width, depth and flow capacity to ensure runoff is filtered properly, and that runoff from large storms will be contained within the swale.

The City requires trees to be planted at the perimeter of the site, but the trees along the sound wall would need to be planted in the swale to provide adequate clearance from the wall. Given the width of the planter and swale, the trees when mature would impede the flow of runoff. The swale and bench would have to be wider to accommodate both the trees and provide the necessary slope and depth for stormwater. Finally, the landscape bulb-outs along the sound wall do not meet the minimum interior width of 5 feet required for street trees. The swale, perimeter and street trees could be accommodated, but would result in the elimination of the visitor parking along the private street. Staff recommends the swale be made larger without losing the visitor parking.

Schools & Transportation

Were the project to be constructed, the children generated from the 12 homes would attend Eden Gardens Elementary School (4.8 students), Anthony W. Ochoa Middle School (1.1 students) and Mount Eden High School (2.5 students). Pursuant to California Code Sections 65996 and 65997, the current state law governing financing of new school facilities in California, payment of school impact fees to the school district represents acceptable mitigation of school impacts.

AC Transit bus routes 92, 97 and the M line, collectively providing service to BART stations, Southland Mall and CSUH and Foster City, all stop at Chabot College, which is within walking distance of the project.

Tract Map

The proposed subdivision shows 13 parcels, 12 single-family lots and 1 lot for the private street and common area adjacent to the sound wall. The homeowners' association would own the private street and common area, and would be responsible for maintenance of these areas.

There are existing utilities crossing the site and within Adrian Ave., including sanitary sewer, water and storm drains, with sufficient capacity to serve the proposed project. The project developer would be responsible to construct a standard street intersection where the private street intersects Adrian Ave., as well as construct the private street within the development.

ENVIRONMENTAL REVIEW

The proposed project is Statutorily Exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15270, *Projects which are Disapproved*. If the Planning Commission is supportive of the application, environmental review is required before endorsement of the plan.

PUBLIC NOTICE

On October 4, 2004, a Referral Notice was sent to every property owner and occupant within 300 feet of the subject site, as noted on the latest assessor's records. Notice was also provided to the Mount Eden Neighborhood Task Force, Eden Garden-Parkwest Homeowners' Association.

A neighborhood meeting was held on October 14, 2004 to solicit comments on the project. Six neighbors attended the meeting and raised the issues of tree preservation, traffic, construction traffic, the ability for emergency vehicles to access the site and construction noise and hours. With the exception of the case where construction is proposed within the driplines of three trees, the healthy trees that appropriate for a residential neighborhood are being preserved. The proposed project is not large enough to warrant a traffic analysis. If the project is approved, conditions of approval could be included to place controls on construction traffic, noise and hours. The site design meets the requirements of the Fire Department for truck access and turn-around.

On April 4, 2005 a Notice of Public Hearing for the Planning Commission meeting were mailed. In addition, a public notice sign was placed at the site prior to the Public Hearing to notify neighbors and interested parties residing outside the 300-foot radius.


CONCLUSION

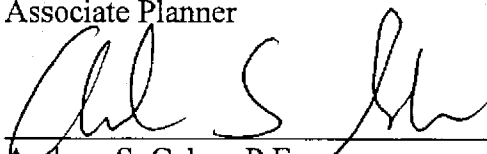
Staff appreciates the effort the applicant has made to preserve and restore the historic structures on the property, however staff cannot support the project due to the noise levels that the residents would be exposed to while spending time in their private yards. In addition to the noise, other problems identified by staff include:

- A better effort should be made to protect the healthy trees on the site;
- The homes could be made more attractive by further de-emphasizing garages as they would be viewed from the street;
- Either larger yards or a group open space should be provided;
- Either an insufficient turn-around on Lot 1 or an unattractive driveway on Lot 11; and
- Grassy swale should be made more functional.


If the Planning Commission supports the project staff would conduct CEQA review and prepare findings and conditions, which the Commission would then recommend to the City Council. If the Planning Commission denies the application, the applicant may appeal the decision to the City Council. Otherwise, a new application with a substantially different plan may be submitted at any time. Regardless of the outcome of the proposed project, staff will initiate the procedure to include the historic house on the City's list of historically significant buildings.

Prepared by:


Erik J. Pearson, AICP
Associate Planner

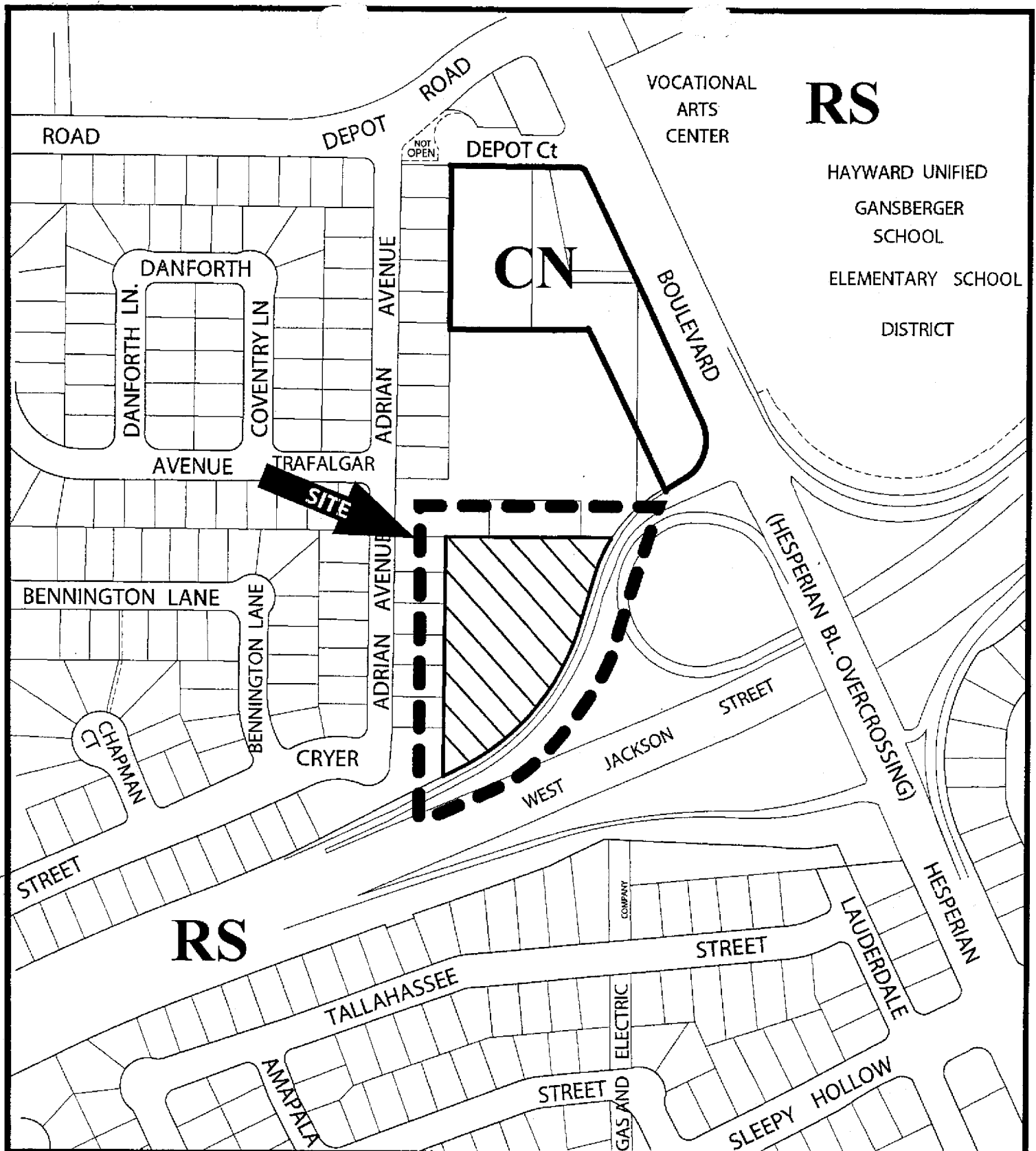

Andrew S. Gaber, P.E.
Development Review Engineer

Recommended by:


Dyana Anderly, AICP
Planning Manager

Attachments:

- A. Area & Zoning Map
- B. Findings for Denial of Zone Change and Preliminary Development Plan
- C. Findings for Denial of Vesting Tentative Tract Map
- D. Noise Analysis
- E. Appendix N of the General Plan
Plans



Area & Zoning Map

PL-2004-0417 TTM 7554

Address: 2141 West Jackson Street

Applicant: Arlene Utal

Owner: Greg Silva

CN-Neighborhood Commercial

RS-Single-Family Residential,RSB4,RSB6



**CITY OF HAYWARD
PLANNING DIVISION
ZONE CHANGE DENIAL**

April 14, 2005

ZONE CHANGE APPLICATION NO. PL-2004-0418: Arlene Utal for Chabot Estate Homes (Applicant)/ Greg Silva (Owner) – Request to Change the Zoning From an Single-Family Residential (RS) District to a Planned Development (PD) District and Subdivide 2 Acres to Build 11 New Homes and Renovate the Existing Home

The Project Location Is 2141 W. Jackson Street at the End of Cryer Street Near Chabot College.

Findings for Denial – Preliminary Development Plan:

- A. Denial of Zone Change Application No. 2002-0533, is Statutorily Exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15270, *Projects which are Disapproved.*
- B. The development is not in substantial harmony with the surrounding area and potentially does not conform to the General Plan, the Mount Eden Neighborhood Plan and applicable City policies in that the existing noise levels at the site exceed the guidelines in the Plan that are set forth to ensure compatibility with single-family residential development.
- C. The development does not create a residential environment of sustained desirability and stability in that the project would create outdoor spaces that would exceed the normally acceptable limit of 60 decibels, there are substandard yards, there is too much visual emphasis on garages and the grassy swale would not be functional.
- D. Any latitude or exception(s) to development regulations or policies is not adequately offset or compensated for by providing functional facilities or amenities not otherwise required or exceeding other required development standards. The exception for reduced lot sizes is offset by the renovation of the historic house on a larger lot. The exceptions for reduced front and rear yard setbacks are not compensated.

Findings for Denial – Zone Change:

- E. Substantial proof does not exist that the proposed change will promote the public health, safety, convenience, and general welfare of the residents of Hayward in that the Planned Development Zoning would allow a project creating outdoor spaces with high noise levels.
- F. The proposed change is potentially not in conformance with the purposes of this Ordinance and all applicable, officially adopted policies and plans in that the homes would be exposed to noise levels exceeding the guidelines set forth in the General Plan.

ATTACHMENT B
of report 4/14/05

FINDINGS FOR DENIAL VESTING TENTATIVE TRACT MAP 7554

The State of California Subdivision Map Act, Government Code Section 66474¹, states the grounds for denial of a tentative map. The proposed vesting tentative tract map can be denied based on the following findings:

1. The vesting tentative tract map potentially does not conform to the General Plan and the City of Hayward Zoning Ordinance. The proposed project does not meet the noise guidelines as set forth in the General Plan.
2. The site is not physically suitable for the proposed development, since the four of the 12 lots would have outdoor spaces exceeding maximum noise levels set forth in the General Plan guidelines.
3. The design of the subdivision and the proposed improvements may cause health problems due to noise levels that people would be subjected to while in their private yards.

¹ The findings of Section 66474 set forth the grounds for denial of a tentative map which are as follows:

- (a) That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.
- (b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
- (c) That the site is not physically suitable for the type of development.
- (d) That the site is not physically suitable for the proposed density of development.
- (e) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- (f) That the design of the subdivision or type of improvements is likely to cause serious public health problems.
- (g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property with the proposed subdivision.

ATTACHMENT C
of report 4/14/05

29 November 2004

Arlene Utal
Next Bay Properties
712 Bancroft Road, Suite 118
Walnut Creek, CA 94598
Fax: 925.939.6833

Subject: Chabot Estate Homes -- Acoustical Consulting
CSA Project No. 04-0513

Dear Arlene:

This letter summarizes our environmental noise analysis for the subject project. The development, located northwest of both the Hesperian Boulevard to westbound State Route 92 on-ramp and 13 foot-tall Caltrans sound wall, would consist of 11 new single-family homes. An existing house (Lot 12) at the southern end of the site would be renovated, and refitted with sound-rated windows. In summary, the project site is exposed to highway noise levels that would be considered "normally acceptable" to "conditionally acceptable." Sound-rated windows and/or exterior doors would be required for most of the homes to meet the City's indoor noise standard.

ACOUSTICAL GOALS

The City of Hayward has outdoor noise goals as part of the Conservation and Environmental Protection Element of their General Plan. Figure 1 of Appendix N is the "Land Use Compatibility Standards for Community Noise Environments." For single-family residential land uses, a DNL¹ of no more than 60 dB is considered "normally acceptable," where the "specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special insulation requirements." A DNL between 55 and 70 dB is considered "conditionally acceptable," where "new construction or development should be undertaken only after a detailed analysis of the noise reduction requirements are made and needed noise insulation features included in the design." Besides the noise standards established in this figure, Appendix N also suggests achieving an outdoor noise goal of DNL 55 dB in backyards of single-family homes. Additionally, indoor noise levels shall not exceed DNL 45 dB in new housing units.

¹ Day-Night Average Sound Level (DNL or L_{dn})--The A-weighted noise level which corresponds to average human sensitivity to sound. The DNL sound level corresponds to an energy average during a 24-hour period. A 10-decibel penalty is applied during the hours of 10 pm to 7 am due to increased human sensitivity during the night. An A-weighting is applied to the microphone signal to approximate human sensitivity to different frequencies, i.e., pitch.

Arlene Ural
29 November 2004
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For your information, achieving an outdoor noise goal of DNL 55 dB is considered very stringent. Most City's in the San Francisco Bay Area allow for an outdoor DNL between 60 and 65 dB, and occasionally up to 70 dB. The City of Hayward recognizes "that there will likely continue to be infill projects where noise sensitive land uses are proposed in areas where noise levels exceed those considered normally acceptable for the intended use. The policies and standards set forth in the Noise Element are sufficient to address these planning issues and mitigate any potential impacts to a less than significant level." We interpret that though the City would like applicants to consider the stringent outdoor noise goal, the actual outdoor noise standards are summarized in the Figure 1 land use compatibility standards. As the City recognizes the need for "infill" project, we assume that DNL 55 dB is only a suggested goal, as opposed to a standard.

NOISE MEASUREMENTS

On 18 to 19 November 2004, we conducted two 24-hour noise measurements and three short-term noise measurements to document the noise environment. The primary noise source heard on-site is S.R. 92. Other noise sources include general aviation activity and Hesperian Boulevard. Table 1 summarizes the results of the measurement program:

Table 1: Noise Measurement Results			
Site	Location	Date/Time	DNL
1	195 feet north of S.R. 92 centerline, 70 feet north of sound wall, 70 feet east of western property line, and 11 feet in tree by existing house on Lot 12.	18-19 November 2004 1:00 p.m. start time	68
2	195 feet north of S.R. 92 centerline, 110 feet east of western property line, and 16 feet above site elevation (Lot 12).	18 November 2004 1:15 to 1:45 p.m.	70*
3	220 feet north of S.R. 92 centerline, 135 feet east of western property line, 5-1/2 feet above site elevation, and southern corner of proposed Lot 11 house.	18 November 2004 1:45 to 2:00 p.m.	65*
4	300 feet north of S.R. 92 centerline, 50 feet west of on-ramp centerline, 15 feet south of northern property line, and 5-1/2 feet above site elevation (Lot 8).	18 November 2004 1:15 to 1:30 p.m.	68*
5	305 feet north of S.R. 92 centerline, behind existing carriage house, and 5-1/2 feet above site elevation (Lot 10).	18-19 November 2004 2:00 p.m. start time	61

*Estimated DNL based on simultaneous short-term monitoring at Site 1.

The measurement at Site 1 near the existing house on Lot 12 was the control location. The measurement at Site 2 represents the current noise exposure to the second floor of the existing house on Lot 12. The measurement at Site 3 represents the exposure to the first

Arlene Utal
29 November 2004
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floor of future home on Lot 11. The measurement at Site 4 represents the exposure to the backyard of the future home on Lot 10, and includes the acoustical shielding that would be provided by the building structure. The measurement at Site 5 represents the exposure to the backyard of the home on Lot 8 with no acoustical shielding of S.R. 92 on-ramp or Hesperian Boulevard noise. As indicated by the measurement data, the majority to the site is currently exposed to noise levels considered "conditionally acceptable" by the Figure 1 land use compatibility guidelines.

Discussion/Recommendations

Outdoors: We understand that the current plan is to extend the highway sound wall to acoustically shield the homes on Lots 7 and 8 from S.R. 92 highway noise. The backyards of these homes are also exposed to Hesperian Boulevard noise from the north. We determined that the sound wall should be at least 10 feet tall along the western property line to achieve DNL 60 in the backyards. For the northern property of Lot 8, the sound wall should start at 9 feet tall and step down to 8 feet at the midway point. Sound walls that are 8 feet and taller should probably be constructed of masonry. At the northern property line of Lot 7, the noise barrier should be 7 feet tall and step down to 6 feet at the midway point. This part of the noise barrier could be constructed of wood that is free of cracks and gaps.

Based on our measurements, and assuming the aforementioned sound walls and noise barriers, we determined that all backyards of new homes, except at Lots 1, 10, and 11, would have a DNL no more than 60 dB. The proposed 2-story homes are laid out well on the current tentative map in that the building structures would also provide some acoustical shielding to the backyards. At Lots 1 and 11, we estimate that the DNL in the backyards would be approximately 63 dB. At Lot 10, the DNL would be approximately 61 dB. The other eight backyards would be exposed to a DNL that is considered "normally acceptable." A 3 dB increase in noise would be considered a barely noticeable increase.

Indoors: To meet the City's indoors noise standard of DNL 45 dB, sound-rated windows and exterior doors will be required at most of the homes. Our calculations are based on the information shown in the architectural drawings prepared by Dahlin Group. The following table summarizes these requirements.

Table 2: Recommended Sound Ratings		
Lot #(s)	Floor	Window STC Rating
10, 11 and 12	Second	33
	First	29
1, 8 and 9	Second	31
2 and 7	Second	28

At the first floor of homes on Lots 10, 11 and 12, STC 29 exterior doors would also be required. Sound-rated assemblies are not required for any other home at the project site. However, all project homes would need to have the windows in the closed position to

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achieve the indoor noise standard. Therefore, an alternate source of ventilation (i.e., mechanical ventilation) may be required. Though we understand that air conditioning would be provided for each home, this aspect of the project should be reviewed by your mechanical engineer.

This concludes our noise analysis for the subject project. Please call if you have any questions.

Sincerely,

CHARLES M. SALTER ASSOCIATES, INC.

Michael D. Toy, P.E.
Principal Consultant

MDT/ch
P: 04-0513_04Nov29MDT_Chabot Estate Homes

Appendix N

NOISE GUIDELINES FOR THE REVIEW OF NEW DEVELOPMENT

Measurement of Noise

Noise may be defined as unwanted sound. Noise is usually objectionable because it is disturbing or annoying. The objectionable nature of sound could be caused by its pitch or its loudness. Pitch is the height or depth of a tone or sound, depending on the relative rapidity (frequency) of the vibrations by which it is produced. Higher pitched signals sound louder to humans than sounds with a lower pitch. Loudness is intensity of sound waves combined with the reception characteristics of the ear. Intensity may be compared with the height of an ocean wave in that it is a measure of the amplitude of the sound wave.

In addition to the concepts of pitch and loudness, there are several noise measurement scales which are used to describe noise in a particular location. A decibel (dB) is a unit of measurement which indicates the relative amplitude of a sound. The zero on the decibel scale is based on the lowest sound level that the healthy, unimpaired human ear can detect. Sound levels in decibels are calculated on a logarithmic basis. An increase of 10 decibels represents a ten-fold increase in acoustic energy, while 20 decibels is 100 times more intense, 30 decibels is 1,000 times more intense, etc. There is a relationship between the subjective noisiness or loudness of a sound and its intensity. Each 10 decibel increase in sound level is perceived as approximately a doubling of loudness over a fairly wide range of intensities.

There are several methods of characterizing sound. The most common in California is the A-weighted sound level or dBA. This scale gives greater weight to the frequencies of sound to which the human ear is most sensitive. Because sound levels can vary markedly over a short period of time, a method for describing either the average character of the sound or the statistical behavior of the variations must be utilized. Most commonly, environmental sounds are described in terms of an average level that has the same acoustical energy as the summation of all the time-varying events. This energy-equivalent sound/noise descriptor is called Leq. The most common averaging period is hourly, but Leq can describe any series of noise events of arbitrary duration. The scientific instrument used to measure noise is the sound level meter. Sound level meters can accurately measure environmental noise levels to within about plus or minus 1 dBA. Various computer models are used to predict environmental noise levels from sources, such as roadways and airports. The accuracy of the predicted models depends upon the distance the receptor is from the noise source. Close to the noise source, the models are accurate to within about plus or minus 1 to 2 dBA.

Since the sensitivity to noise increases during the evening and at night --because excessive noise interferes with the ability to sleep --24-hour descriptors have been developed that incorporate artificial noise penalties added to quiet-time noise events. The Community Noise Equivalent Level, CNEL, is a measure of the cumulative noise exposure in a community, with a 5 dB penalty added to evening (7:00 pm -10:00 pm) and a 10 dB addition to nocturnal (10:00 pm - 7:00 am) noise levels. The Day/Night Average Sound Level, Ldn, is essentially the same as CNEL, with the exception that the evening time period is dropped and all occurrences during this three-hour period are grouped into the daytime period.

Effects of Noise

Hearing Loss. While physical damage to the ear from an intense noise impulse is rare, a degradation of auditory acuity can occur even within a community noise environment. Hearing loss occurs mainly due to chronic exposure to excessive noise, but may be due to a single event such as an explosion. Natural hearing loss associated with aging may also be accelerated from chronic exposure to loud noise. The Occupational Safety and Health Administration (OSHA) has a noise exposure standard which is set at the noise threshold where hearing loss may occur from long-term exposures. The maximum allowable level is 90 dBA averaged over eight hours. If the noise is above 90 dBA, the allowable exposure time is correspondingly shorter.

Sleep and Speech Interference. The thresholds for speech interference indoors are about 45 dBA if the noise is steady and above 55 dBA if the noise is fluctuating. Outdoors the thresholds are about 15 dBA higher. Steady noise of sufficient intensity (above 35 dBA) and fluctuating noise levels above about 45 dBA have been shown to affect sleep. Interior residential standards for multi-family dwellings are set by the State of California at 45 dBA Ldn. Typically, the highest steady traffic noise level during the daytime is about equal to the Ldn and nighttime levels are 10 dBA lower. The standard is designed for sleep and speech protection and most jurisdictions apply the same criterion for all residential uses. Typical structural attenuation is 12-17 dBA with open windows. With closed windows in good condition, the noise attenuation factor is around 20 dBA for an older structure and 25 dBA for a newer dwelling. Sleep and speech interference is therefore possible when exterior noise levels are about 57 -62 dBA Ldn with open windows and 65- 70 dBA Ldn if the windows are closed. Levels of 55-60 dBA are common along collector streets and secondary arterials, while 65- 70 dBA is a typical value for a primary/major arterial. Levels of 75-80 dBA are normal noise levels at the first row of development outside a freeway right-of-way. In order to achieve an acceptable interior noise environment, bedrooms facing secondary roadways need to be able to have their windows closed, those facing major roadways and freeways typically need special glass windows.

Annoyance. Attitude surveys are used for measuring the annoyance felt in a community for noises intruding into homes or affecting outdoor activity areas. In these surveys, it was determined that the causes for annoyance include interference with speech, radio and television, house vibrations, and interference with sleep and rest. The Ldn as a measure of noise has been

found to provide a valid correlation of noise level and the percentage of people annoyed. People have been asked to judge the annoyance caused by aircraft noise and ground transportation noise. There continues to be disagreement about the relative annoyance of these different sources. When measuring the percentage of the population highly annoyed, the threshold for ground vehicle noise is about 55 dBA Ldn. At an Ldn of about 60 dBA, approximately 2 percent of the population is highly annoyed. When the Ldn increases to 70 dBA, the percentage of the population highly annoyed increases to about 12 percent of the population. There is, therefore, an increase of about 1 percent per dBA between an Ldn of 60- 70 dBA. Between an Ldn of 70-80 dBA, each decibel increase increases by about 2 percent the percentage of the population highly annoyed. People appear to respond more adversely to aircraft noise. When the Ldn is 60 dBA, approximately 10 percent of the population is believed to be highly annoyed. Each decibel increase to 70 dBA adds about 2 percentage points to the number of people highly annoyed. Above 70 dBA, each decibel increase results in about a 3 percent increase in the percentage of the population highly annoyed.

Guidelines for the Review of New Development

A. New development projects shall meet acceptable noise level standards. The "acceptable" noise standards for new land uses as established in Land Use Compatibility for Community Exterior Noise Environments (see Figure 1) shall be used with further consideration of the following:

1. The maximum acceptable exterior noise level in residential areas is an L_{dn} of 55 dB for single-family development and an L_{dn} of 60 dB for multi-family development. These levels shall guide the design and location of future development, and are the goals for the reduction of noise in existing development. These goals will be applied where outdoor use is a major consideration (e.g., backyards in single-family housing developments and recreation areas in multi-family housing projects). The outdoor standard will normally be applied to any area considered to be "useable open space", including decks and balconies associated with apartments and condominiums.
2. Indoor noise level shall not exceed an L_{dn} of 45 dB in new housing units.
3. If the primary noise source is aircraft or a railroad, noise levels in new residential development exposed to an exterior L_{dn} of 60 dB or greater should be limited to a maximum instantaneous noise level in bedrooms at night of 50 dB(A). Maximum instantaneous noise levels in bedrooms during the daytime and in other rooms should not exceed 55 dB(A).

4. If the primary noise source is a commercial or industrial land use, new residential development shall not be allowed where the ambient noise level due to commercial or industrial noise sources will exceed the noise level standards as set forth in Table 1. Each of the noise level standards specified in Table 1, "Noise and Land Use Compatibility Standards for Industrial and Commercial Noise", shall be reduced by 5 dB(A) for simple tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises.
5. Appropriate interior noise levels in commercial, industrial, and office buildings are a function of the use of space and shall be evaluated on a case-by-case basis. Interior noise levels in offices generally should be maintained at 52 L_{eq} (hourly average) or less.

The noise guidelines and contours will be used to determine if additional noise studies are needed for proposed new development. Noise studies shall follow a standard format and guidelines.

B. Protect the noise environment in existing residential areas. The guidelines are not intended to be applied reciprocally. In other words, if an area currently is below the desired noise standards, an increase in noise up to the maximum should not necessarily be allowed. The impact of a proposed project on an existing land use should be evaluated in terms of the potential for adverse community response based on a significant increase in existing noise levels, regardless of the compatibility guidelines. Specific examples of these situations are described below:

1. The project has the potential to generate significant adverse community response due to the increased character of the noise it would generate.
2. Noise created by commercial or industrial sources associated with new project or developments shall be controlled so as not to exceed the noise level standards set forth in Table 1 as measured at any affected residential land use. The allowable noise level shall be adjusted up to the ambient noise level.

In general, the City will require the evaluation of mitigation measures for projects that would cause the L_{dn} to increase by 3 dB(A) or more at an existing residential area.

C. Locate noise sensitive uses away from noise sources unless mitigation measures are included in development plans. Protect schools, hospitals, libraries, churches, convalescent homes, and other noise sensitive uses from noise levels exceeding those allowed in residential areas.

D. Design city streets to reduce noise levels in adjacent areas. Continue to require soundwalls, earth berms, and other noise reduction techniques (e.g., "open grade" or "rubberized" asphalt) as conditions of development approval.

Figure 1

Land Use Compatibility Standards for Community Noise Environments

LAND USE CATEGORY	COMMUNITY NOISE EXPOSURE L _{dn} OR CNEL, dB					
	55	60	65	70	75	80
RESIDENTIAL – LOW DENSITY SINGLE FAMILY, DUPLEX, MOBILE HOMES						
RESIDENTIAL – MULTI. FAMILY						
TRANSIENT LODGING – MOTELS, HOTELS						
SCHOOLS, LIBRARIES, CHURCHES, HOSPITALS, NURSING HOMES						
AUDITORIUMS, CONCERT HALLS, AMPHITHEATRES						
SPORTS ARENA, OUTDOOR SPECTATOR SPORTS						
PLAYGROUNDS, NEIGHBORHOOD PARKS						
GOLF COURSES, RIDING STABLES, WATER RECREATION, CEMETERIES						
OFFICE BUILDINGS, BUSINESS COMMERCIAL AND PROFESSIONAL						
INDUSTRIAL, MANUFACTURING UTILITIES, AGRICULTURE						

INTERPRETATION



NORMALLY ACCEPTABLE

Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.



CONDITIONALLY ACCEPTABLE

New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features included in the design. Conventional construction, but with closed windows and fresh air supply systems or air conditioning will normally suffice.



NORMALLY UNACCEPTABLE

New construction or development should generally be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design.



CLEARLY UNACCEPTABLE

New construction or development should generally not be undertaken.

Table 1**Noise and Land Use Compatibility Standards***Adjustments to Ambient Noise Levels for Periodic Noise Events*

Maximum Cumulative Duration of Noise Event in Any One-Hour Period	Residential Exterior Noise Level Standards dB(A)	
	Daytime (7 AM- 10PM)	Nighttime (10PM- 7AM)
30 Minutes+	+5	0
15 Minutes+	+10	+5
5 Minutes+	+15	+10
1 Minute+	+20	+15
0-1 Minute	+25	+20

Commissioner Lavelle stated that she supported the motion, but requested clarification to Findings of Approval, Attachment B, item B. In reference to the applicant's financial situation language in the attachment, she suggested that it be recorded so that it does not imply that the applicant is not able to finance the project but that the applicant could not find the financing because the map was not recorded.

Commissioner Thnay moved, seconded by Commissioner McKillop, and approved, to accept that the proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15332 *In-Fill Development Projects*; and to approve the extension and modification requests for the Site Plan Review and Tentative Parcel Map, subject to the findings and conditions presented in the report.

AYES:	COMMISSIONERS Lavelle, McKillop, Thnay, Zermefio, Peixoto CHAIR Sacks
NOES:	COMMISSIONERS Bogue
ABSENT:	COMMISSIONER None
ABSTAIN:	COMMISSIONER None

2. Zone Change Application No. PL-2004-0418 & Vesting Tentative Tract Map 7554 PL-2004-0417 – Arlene Utal for Chabot Estate Homes (Applicant) / Greg Silva (Owner) Request to Change the Zoning From a Single-Family Residential District to a Planned Development District and Subdivide 2 Acres to Build 11 New Homes and Renovate the Existing Home – The Project is Located at 2141 West Jackson Street at the End of Cryer Street Near Chabot College (Continued from April 14, 2005)

Staff report submitted by Associate Planner Pearson, dated May 12, 2005, was filed.

Associate Planner Pearson presented the staff report.

In reference to the maximum noise levels, Commissioner Peixoto inquired about the difference between the requirement of decibels (dB) in the General Plan – 55 dB and the desirable level set by the State, i.e., 60 dB. Principal Planner Patenaude indicated the Chart Figure 1 from the General Plan is a State wide standard but each community can adopt levels pertaining to what communities perceive as quality of life. He further indicated that the General Plan was amended in response to complaints from residents about noise levels. Panning Commission along with City Council were involved in setting the 55 dB standard for a residential home environment, he added.

In response to Commissioner Peixoto's inquiry about the difference between, noise levels for single family detached units and multifamily attached, Associate Planner Pearson answered by indicating that if two units were attached and were close to the sound wall, there is the possibility that the buildings might block higher noise levels in the private yard area.

Commissioner Zermefio inquired about the noise levels in present homes. Cryer Street shows levels higher than 63 dB, according to Associate Planner Pearson.



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In response to Commissioner Zermefio's inquiry about informing prospective buyers of noise levels above the General Plan standard, Associate Planner indicated that the information could be included in the conditions of approval.

Commissioner Zermefio inquired about the last paragraph of the agenda report speaking about a noise analysis. Associate Planner Pearson indicated that if the commission approves the project, staff would require a further noise analysis, which would become part of the environmental review.

Commissioner Lavelle requested for an elaboration of the grassy swale, the proposed 10-foot setback, the runoff issue, and the implications for the water. Development Review Engineer Gaber responded that the 10-foot wide swale would be able to treat the runoff from the site, but without the 5-foot wide setback from the sound wall, the plants could not survive in the swale or provide the proper coverage for the sound wall. Grassy swales need a ground cover that is very low to the surface so that the water is treated, according to Mr. Gaber. The proposed 10-foot setback is insufficient. A 15-foot would provide proper plant material to treat the water and the 5-foot would provide the proper planting to screen the wall, he added.

In response to Commissioner McKillop's inquiry about the 19 trees that are referenced in the report, Associate Planner Pearson indicated that many of the trees are in poor condition or are not compatible and therefore are proposed to be removed. He discouraged the construction of structures within the dripline of existing trees, three trees in particular.

Without further questions, Chair Sacks opened the public hearing at 8:01 p.m.

Ms. Arlene Utal, Chabot Estate Homes representative, introduced her project team and described the project. Ms. Utal indicated that the proposal includes the restoration of a house, addition of a sidewalk, placement of a two-car garage, replacement of fencing along the property, restoration of the water tower, completion of construction of the sound wall, and the construction of 11 new homes, among the particulars of the project. She added that approximately \$40,000 to \$50,000 worth of landscaping is proposed for the project as a way to replace the value of the trees removed. The units range from 2000 to 2200 feet.

Ms. Utal showed an example of how historic homes can be restored into 4-bedroom homes. Street lights would be of a historic or have Victorian appearance. Ms. Utal also asked for rezoning to restore the historic house, make smaller lots to make the project work, and bring 11 new single family homes to the community.

In response to Commissioner Zermefio's inquiry about plans for the historic house, Ms. Utal responded that she is planning to market it as a historic site. She added that the Historic Society has showed support for its restoration.

In response to Commissioner Zermefio's question about lot 11, Ms. Utal responded by stating that since houses 1, 10, and 11 exceed the standard sound levels, she would recommend noticing in the

homeowners deed that the sound level exceeds the City guidelines for exterior noise by three decibels. The elimination of the three houses would not mitigate the sound levels but rather would move sound levels down to the other eight homes. She also added that house lot 1 would be sold with a disclaimer about the long driveway. She noted that since this is a PD zoning, there is room to deviate from the standard set by the RS zoning.

Al Reynolds, homeowner on Cryer, expressed concern for lack of parking for all the units. Referring to traffic concerns and with the 880-92 interstate project expected to commence in 2008, he asked the applicant to work with the homeowners association and the City to place speed bumps on Cryer Street.

Attorney Mark Armstrong expressed that staff decided they would like to see a development with potential for multifamily homes which would require a General Plan Amendment to be in consistence with the adjoining single family neighborhood. He emphasized that it is not a legal requirement that a project be consistent with every policy and guideline in the General Plan.

Chair Sacks asked to have more input from the different experts representing the project.

Mark Hulbert, preservation architect, expressed that there has been major effort to restore this house and consolidate the carriage house and water tower onto a single property.

Richard Kruezen, civil engineer, elaborated on the proposed 10-foot wide grassy swale. Mr. Kruezen indicated that in the 10-year storm event, only a third of the swale is occupied by water- 3-foot on each side and 3.3-foot in the center. In a 100-year storm there is only 4-foot in the center that would be occupied from the runoff. He added that an acceptable solution would be a mechanical cleaning device swale as a conveyance for the storm water and partial cleaning and the mechanical device with the remaining cleaning, he suggested.

Michael Toy, acoustical engineer, expressed that the three decibels is barely noticeable increase. Mr. Toy expressed that a 13-foot sound wall already exists along the off ramp at the freeway to mitigate the 69 dB level behind the wall, and that a double sound wall would not improve the situation very much.

Addressing Commissioner Thnay's inquiry of whether the 63 dB level in the backyard would harm the ear drum, Mr. Toy indicated that a noise level of 80 db for a period of eight hours would cause ear damage.

Commissioner Peixoto inquired about a configuration that would reduce the levels to acceptable standards below 60 dB levels. Mr. Toy indicated that they could build a sound wall 10 or 11-feet tall between lots 1 and 11 to achieve the reduction but, he was unsure of the cost effectiveness.

In response to Commissioner Zermefio's inquiry about worse hours for loud noise, Mr. Toy indicated that the loudest hours would be at 6 a.m. with noise levels at 61 dB and 7:00 a.m. at 60 dB. Noise levels in the afternoon up to 9:00 p.m. would be below 55 dB.

Ms. Utal expressed that after conferring with her team, they decided to reach a fair compromise to not pre-sell the three units with decibels above 60. She also added that they are willing to add a



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noticing to the deed about the noise levels.

Chair Sacks closed the public hearing at 8:39 p.m.

Principal Planner Patenaude expressed that the main purpose for recommending denial of this project is not only the noise level, but also to encourage a Planned Development District that will foster well designed development as suggested in the current General Plan. The noise levels and driveway of lot 1, in particular, are situations that might be less than desirable. He indicated that at this point staff does not know if the swale and buffer will affect the layout of the project. Two of the properties do not have the standard open space that single-family homes typically have in the yard.

In response to the inquiry made by Chair Sacks and Commissioner Bogue about the driveway on lot 1, Development Review Engineer Gaber indicated that the concern related to parking and cars having to back into the street.

In response to Commissioner Bogue's concern if the homeowners association would be responsible for the mechanical cleaning procedure, Development Review Engineer Gaber stated that as part of the clean water permit the homeowner association would need to record a maintenance agreement for the grassy swale and the mechanical device.

In response to Commissioner Zermefio's inquiry for considering the property as open space for a park, Associate Planner Pearson stated that the site is identified in the General Plan as a potential park site for the Mt. Eden neighborhood but because of its secluded location the Hayward Area Recreation and Park District expressed no interest for acquiring it for a park.

Deputy City Attorney Conneely advised Commissioner Zermefio on the proper action to take.

Commissioner Zermefio moved, seconded by Commissioner Thnay.

Chair Sacks added that the motion should include language for protection of prospective buyers, change the condition regarding the swale and add the no pre-selling condition to three of the homes.

Commissioner Thnay supported the motion but expressed that he would like to see an updated noise analysis and information on the 880-92 interchange project. He liked the location and the fact that the historic house is preserved and not moved somewhere else.

Commissioner Bogue indicated that he does not support the driveway on lot #1. He likes the swale idea, would like clarification on the updated noise analysis, supports the no pre-sale idea, and would like for all the properties to be noticed that the three properties are above the standard noise levels.

Commissioner McKillop supported the motion and expressed that she liked the historical preservation efforts of the project. Her concerns expressed included the grassy swale and trees that

could mitigate the noise. She agreed with the sound issue and the swale as long as it is mechanically designed to accommodate what the swale was intended to do initially. She expressed concern for the basic design of the exterior of the building and the way they are positioned. She favors measures to save existing trees.

Commissioner Lavelle supported the motion and commended the developers for their efforts. She agreed with the noise levels compromise. She liked the mechanical device idea but does not support the driveway on lot # 1. She would like to see improvement for the turn around at lot 1.

Commissioner Bogue asked for a friendly amendment to the motion speaking to noticing all prospective homeowners of the noise levels and to the no pre-sale for the three homes. He would like to include the possibility of not allowing additional construction on open space.

Chair Sacks would like to have more information about the diseased trees. Regarding Commissioner Zermefio's request to include speed humps on Cryer, Chair Sacks noted that this was outside the scope of the Planning Commission action.

Commissioner Zermefio moved, seconded by Commissioner Thnay, and approved to direct staff to conduct the appropriate level of environmental review, work with the applicant on modifications to the conditions that staff would support, add language for prospective buyers informing of noise levels above those recommended in the General Plan, and bring the matter back to Planning Commission with findings and conditions of approval.

AYES:	COMMISSIONERS Lavelle, McKillop, Thnay, Zermefio, Peixoto
	CHAIR Sacks
NOES:	COMMISSIONER Bogue
ABSENT:	COMMISSIONER None
ABSTAIN:	COMMISSIONER None

ADDITIONAL MATTERS

4. Oral Reports on Planning and Zoning Matters

Principal Planner Patenaude reported about a flyer regarding a program on affordable housing, Density and Property Management, which is sponsored by the Association of Bay Area Governments on Monday, June 6, from 7:30 - 9:30.

5. Commissioners' Announcements, Referrals

Commissioner Thnay announced that he drove by Strafford Village Area, across the Starbucks business, and noticed a vacant lot that has six-foot tall weeds. Also, he expressed that residents have complained about trucks parked on Adison Way during the day and at night. He expressed that the area which is on the south area of Industrial Parkway obscures the road site and could become a safety issue.



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777 B Street, Hayward, CA 94541**

MEETING

The regular meeting of the Hayward Planning Commission was called to order at 7:30 p.m., by Chair Thnay followed by the Pledge of Allegiance.

ROLL CALL

Present: COMMISSIONERS: Lavelle, Sacks, McKillop, Bogue, Peixoto, Zermeno
CHAIRPERSON: Thnay
Absent: COMMISSIONER: None

Staff Members Present: Conneely, Patenaude, Pearson, Lens

General Public Present: Approximately 15

PUBLIC COMMENTS

Henry Villalobos, President and CEO of Aztecs of North California, Inc., addressed the Commission regarding the diversity in Hayward and spoke in favor of having an International Community Center that would contribute to the City.

PUBLIC HEARINGS

1. Zone Change No. PL -2004-0418 & Vesting Tentative Tract Map 7554/PL-2004-0417 – Arlene Utal for Chabot Estate Homes (Applicant) / Greg Silva (Owner) – Request to Change the Zoning From a Single Family Residential District to a Planned Development District and Subdivide 2 Acres to Build 11 New Homes and Renovate an Historic Home

Staff report submitted by Associate Planner Pearson, dated September 8, 2005, was filed.

Associate Planner Pearson indicating that as directed by the Commission on May 12, staff conducted further review of the proposed project and then presented the new findings as mentioned in the staff report.

Chair Thnay opened the public hearing at 7:45 p.m.

Arlene Utal, Chabot Estate Homes applicant, presented revisions to the proposed project as requested by the Commissioners. First, in regards to the revision of the sound analysis, she stated that the 1 decibel (dB) increase is not significant and she agreed to notice all the deeds regarding sound levels that exceed City standards. In regards to trees #18, #19, and #20, she mentioned that the arborist is recommending to preserve trees #18 and #20 and to attempt to preserve tree #19 depending on how it does with time. As far as the driveway and turn around, she presented a new

proposed tandem parking which slightly changed the configuration of the driveway in order to improve the turnaround. As far as the grassy swale issue, she said that it has been resolved with the CDS mechanical unit, and that it would be the responsibility of the Homeowners Association to maintain it. In regards to the square footage of the lots and the backyards not meeting the standards, she said that they are taking one lot to preserve the historic house and therefore believes that the backyards are adequate. Ms. Utal kindly asked for support for the project.

In response to Commissioner Sacks regarding an example of a car size for lot 1, Richard Cruzen, responded that the size is equivalent to a large car.

In response to Commissioner Lavelle inquiry about neighbors' interaction, Ms. Utal responded that the neighbors are agreeable to the proposed project.

Michael Toy, sound consultant, expressed disagreement with the staff survey of the twenty cities. In response to Commissioner McKillop, Mr. Toy indicated that this development would mitigate the sound levels that existing neighbors are currently experiencing.

Mark Armstrong, Land Use Attorney, referring to the proposed Mitigated Negative Declaration, findings 10 and 12, mentioned that the proposed project is not inconsistent with the General Plan.

Assistant City Attorney Conneely stated that generally CEQA guidelines measure the project's environmental impact. She indicated that this project is not causing the noise, but that noise already exists and the Mitigated Negative Declaration is recognizing that the project's impact does not include the noise levels that presently exist in the property.

Principal Planner Patenaude mentioned that the stated decibel of 55 is a policy of the General Plan adopted by Council.

Gilbert De La Rocha, Adrian Avenue resident, expressed opposition to building homes that do not have sidewalks. He expressed concern for lack of safe walkways with one entry and exit point that the proposed project will represent on the prospective residents.

Chair Thnay closed the public hearing at 8:12 p.m.

In regards to Commissioner Lavelle's question, Associate Planner Pearson responded that upon review of the project, the Fire Department had no safety concerns for this project and mentioned that there are several neighborhoods with more than 12 homes that are being accessed by one entry and exit point.

Commissioner Lavelle commended the developer for moving forward with the specific concerns that the Commission raised at the meeting in May and added that the developer met the requirements. Commissioner Lavelle made a motion to approve the project subject to the conditions of approval presented in the report.

Commissioner Zermefio seconded the motion indicating that his concerns were addressed in the conditions of approval and spoke favorably about the preservation of the historic house.



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Commissioner McKillop supported the motion and mentioned that the applicant went beyond addressing the issues requested at the last Commission meeting and spoke favorably about preserving the trees and historic house.

Commissioner Bogue asked for a friendly amendment to insure that the condition as stated in the Mitigated Negative Declaration remains, which states that the carriage house be relocated to the same lot as the historic house and converted to a two-car garage. The amendment was accepted by Commissioners Lavelle and Zermefio.

Commissioner Sacks supported the motion. She expressed that although the project presented concerns, the applicant went beyond the requirement to try to mitigate potential problems. She commended Mr. Rocha's comment regarding safety and the need to consider the people that are going to live there. She commended staff and the developer for the work done.

Commissioner Peixoto commended the developer for addressing the issues of concerns and mostly for the interaction with the neighbors and the sensitivity to the community.

Commissioner Thnay supported the motion and thanked staff and the developer for a comprehensive report.

Assistant City Attorney Conneely clarified that even though staff recommended denial of the project, the report included findings and conditions of approval, and that the motion would be subject to them.

Commissioner Lavelle moved, seconded by Commissioner Zermefio, and approved to adopt the Initial Study, Mitigated Negative Declaration and Mitigation Monitoring Plan prepared pursuant to the California Environmental Quality Act (CEQA) guidelines; and approve the zone change and the preliminary development plan; and approve the Vesting Tentative Tract Map application.

AYES: COMMISSIONERS Lavelle, Sacks, McKillop,
Peixoto, Zermefio
CHAIR Thnay
NOES: COMMISSIONER Bogue
COMMISSIONER None
ABSTAIN: COMMISSIONER None

2. Text Amendment Application No. PL-2004-0632 -- Joseph Bradford for The Olson Company (Applicant) -- Request to Amend the Parking Ordinance to Allow Tandem Parking for Multi-Family Residences Citywide

Staff report submitted by Principal Planner Patenaude, dated September 8, 2005, was filed.

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

me
9/28/05

RESOLUTION ADOPTING THE MITIGATED NEGATIVE
DECLARATION AND DENYING ZONE CHANGE
APPLICATION NO. PL-2004-0418, PRELIMINARY
DEVELOPMENT PLAN AND VESTING TENTATIVE
TRACT MAP 7554/PL-2004-0417

WHEREAS, Zone Change Application No. PL-2004-0418 and Vesting Tentative Tract Map 7554/PL-2004-0417 of Arlene Utal for Chabot Estate Homes (Applicant) and Greg Silva (Owner) concerns a request to rezone property located at 2141 W. Jackson Street at the easterly end of Cryer Street, from Single Family Residential (RS) District to Planned Development (PD) District, to construct 11 homes and renovate an existing historic house; and

WHEREAS, although staff recommended denial of the project, the Planning Commission voted (6:1) to recommend approval of the project on September 8, 2005; and

WHEREAS, a mitigated negative declaration has been prepared and processed in accordance with the City and state CEQA Guidelines; and

WHEREAS, the City Council of the City of Hayward hereby finds and determines that the City Council has independently reviewed and considered the information contained in the initial study upon which the mitigated negative declaration is based, certifies that the mitigated negative declaration has been completed in compliance with the requirements of the California Environmental Quality Act, and finds that the mitigated negative declaration reflects the independent judgment of the City of Hayward.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby finds and determines that:

Preliminary Development Plan

1. The development is not in substantial harmony with the surrounding area and potentially does not conform to the General Plan, the Mount Eden Neighborhood Plan and applicable City policies in that the existing noise levels at the site exceed the guidelines set forth to ensure compatibility with single-family residential development.
2. The development does not create a residential environment of sustained desirability and stability in that the project would create outdoor spaces in which the noise would exceed the normally acceptable level of 55-60 decibels; there are substandard yards; and there is too much visual emphasis on the garages.

3. Any latitude or exception(s) to development regulations or policies is not adequately offset or compensated for by providing functional facilities or amenities not otherwise required or exceeding other required development standards. The exceptions for reduced lot sizes is offset by the renovation of the historic house on the larger lot. The exceptions for the reduced front and rear yard setbacks are not compensated.

Zone Change

4. Substantial proof does not exist that the proposed change will promote the public health, safety, convenience and general welfare of the residents of Hayward in that the Planned Development zoning would allow a project creating outdoor spaces with excessively high noise levels.
5. The proposed zone change is potentially not in conformance with the purposes of the Zoning Ordinance and all applicable, officially adopted policies and plans in that the homes would be exposed to noise levels exceeding the guidelines set forth in the General Plan.

Vesting Tentative Map

6. The vesting tentative tract map potentially does not conform to the General Plan and the City of Hayward Zoning Ordinance. The proposed project does not meet the noise guidelines set forth in the General Plan.
7. The site is not physically suitable for the proposed development, since the four of the 12 lots would have outdoor spaces exceeding the maximum noise levels set forth in the General Plan guidelines; and
8. The design of the subdivision and the proposed improvements may cause health problems due to noise levels that people would be subjected to while in their private yards.

BE IT FURTHER RESOLVED that based on the above findings, the mitigated negative declaration is hereby adopted and Zone Change Application No. PL-2004-0418, Preliminary Development Plan and Vesting Tentative Tract Map 7554/PL-2004-0417 are hereby denied.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2005

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward



CHABOT ESTATE HOMES

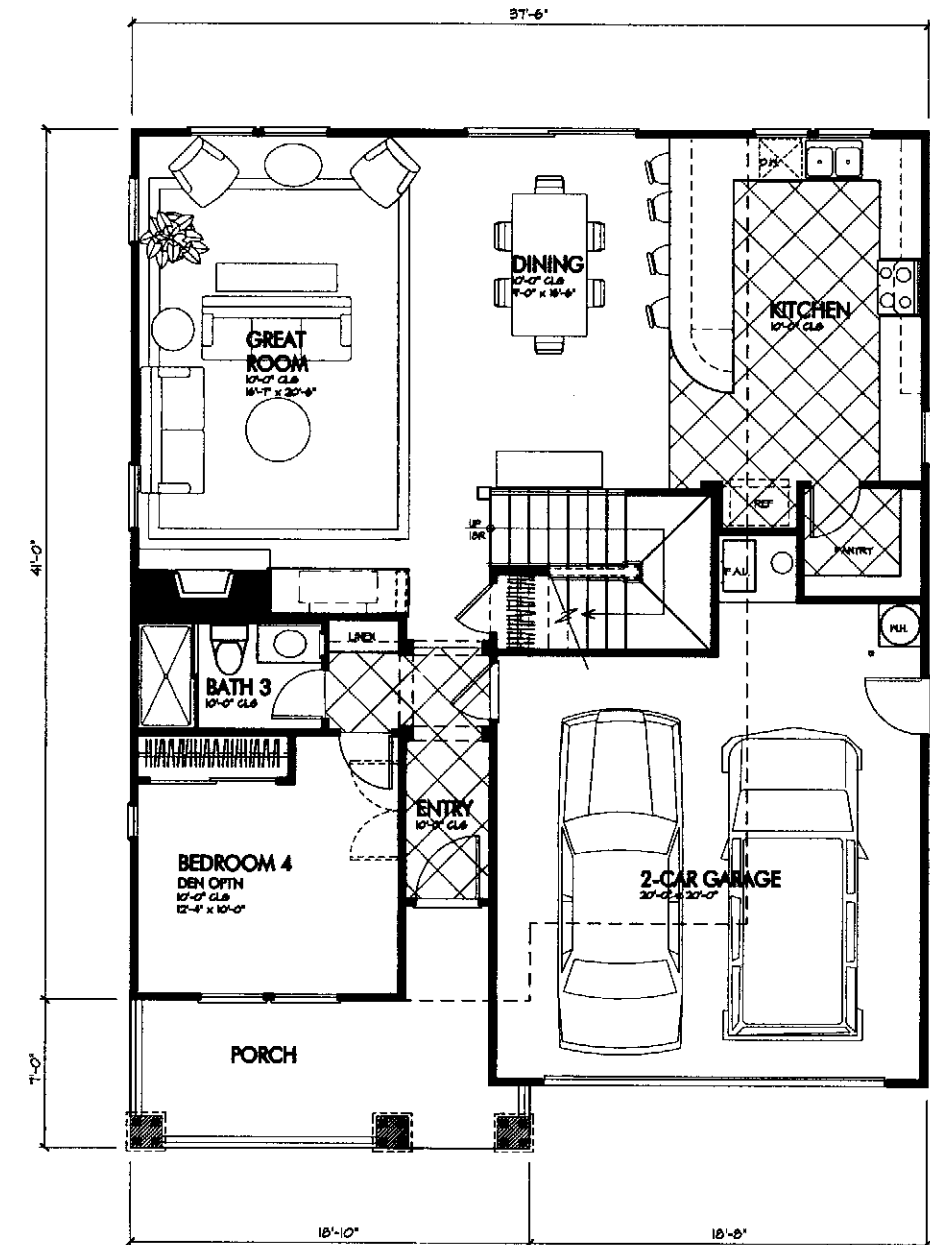
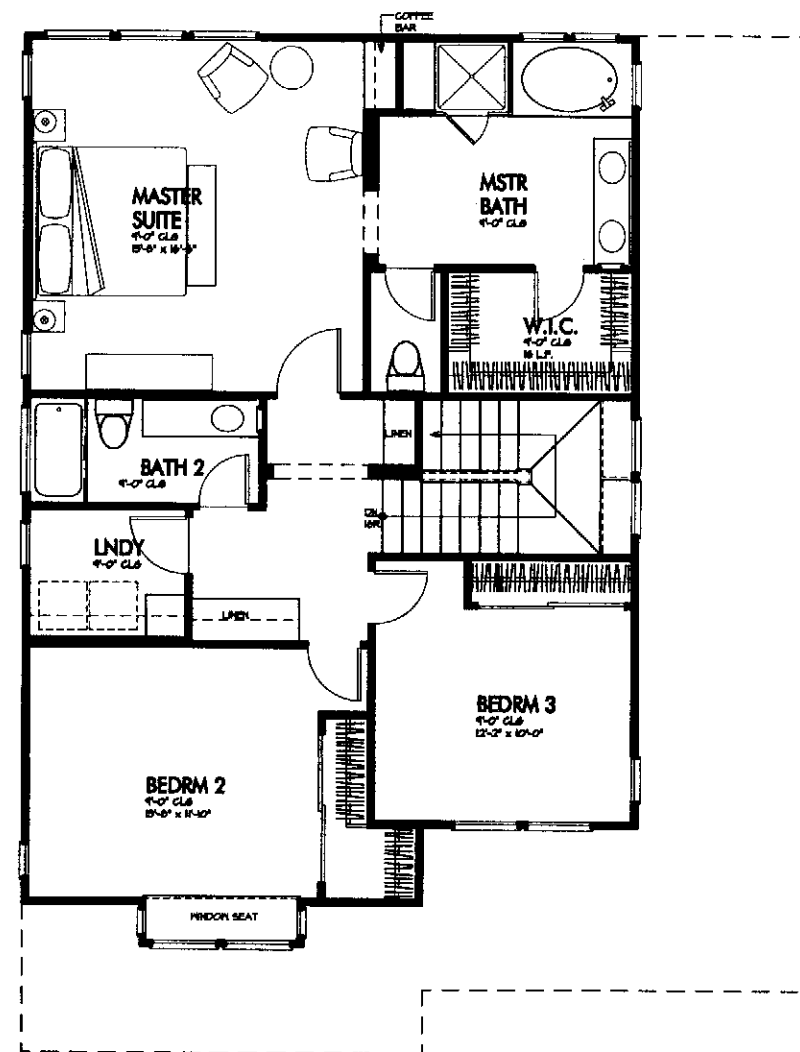
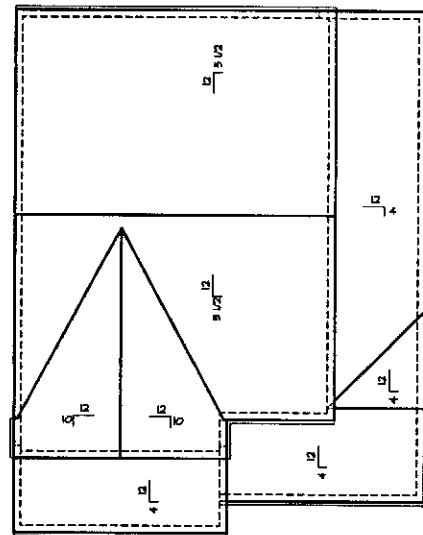
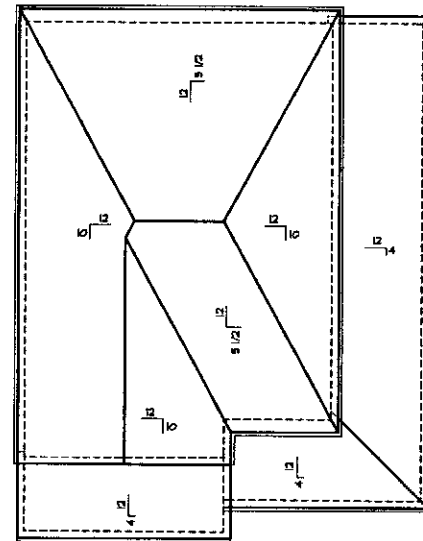
HAYWARD, CALIFORNIA

AUGUST 30, 2005

Project No.: 852.202

DAHLIN GROUP
ARCHITECTURE
PLANNING

2671 Crow Canyon Rd.
San Ramon, CA 94583
925.837.8286
925.837.2543 fax



CHABOT ESTATE HOMES

HAYWARD, CALIFORNIA

FLOOR PLANS PLAN ONE

Age Group	Number of Cases
0	10
4	5
8	10
16	15

AUGUST 30, 2005

Project No.: 852.202

DAHLIN GROUP
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PLANNING

2671 Crow Canyon Rd.
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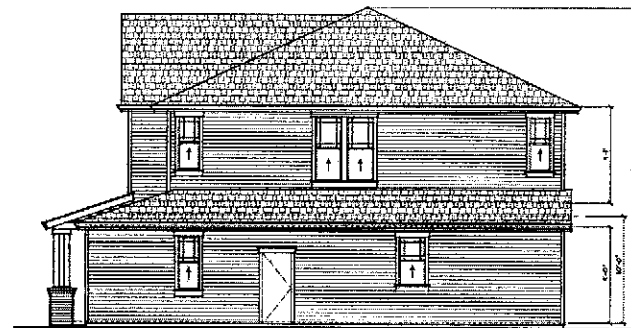
A.2
of 8



FRONT ELEVATION "B"

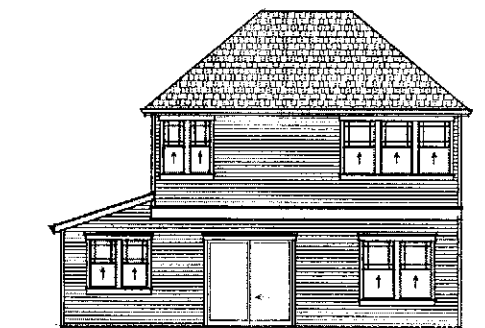


FRONT ELEVATION "A"



RIGHT ELEVATION "A"

SCALE: 1/8" = 1'-0"



REAR ELEVATION "A"

SCALE: 1/8" = 1'-0"



LEFT ELEVATION "A"

SCALE: 1/8" = 1'-0"

CHABOT ESTATE HOMES

HAYWARD, CALIFORNIA

ELEVATIONS PLAN ONE

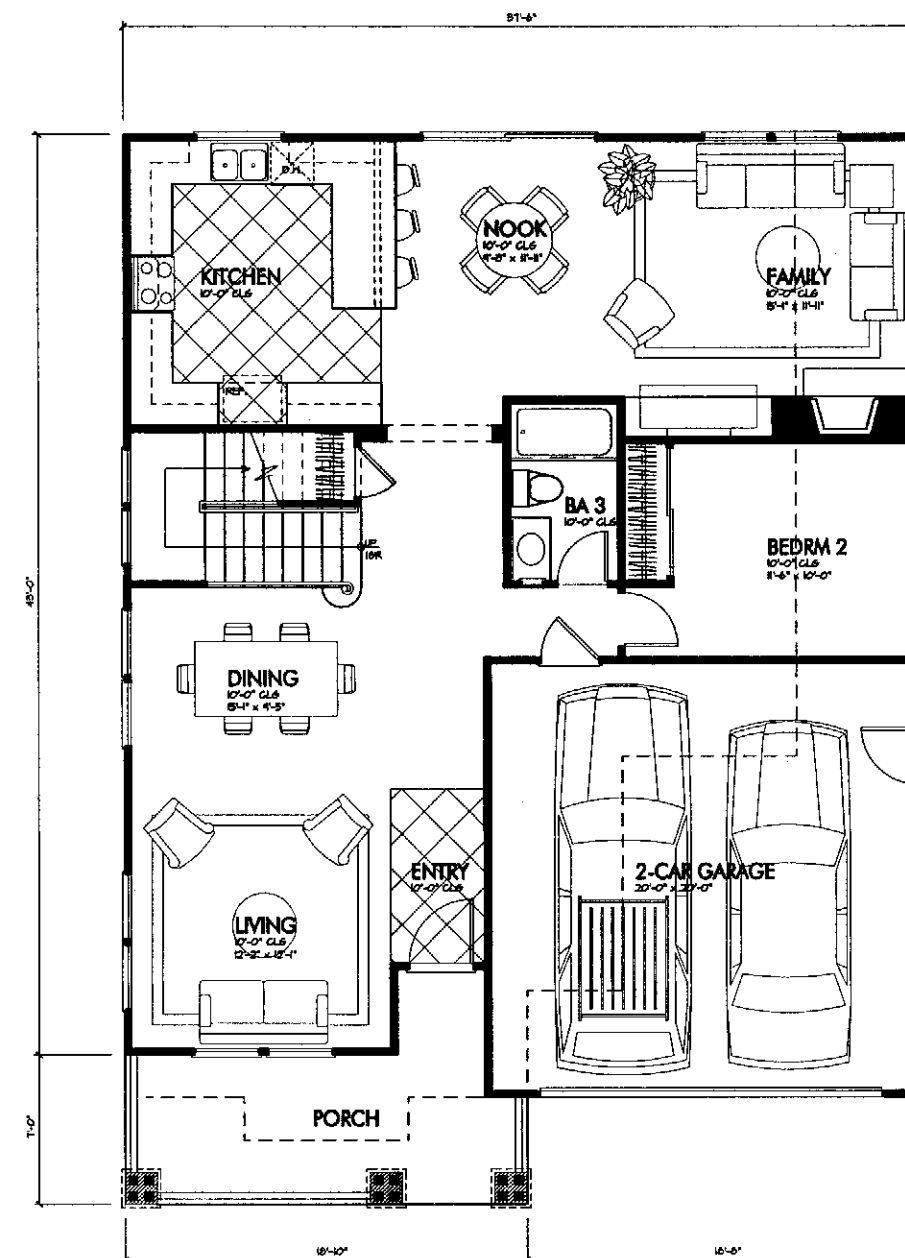
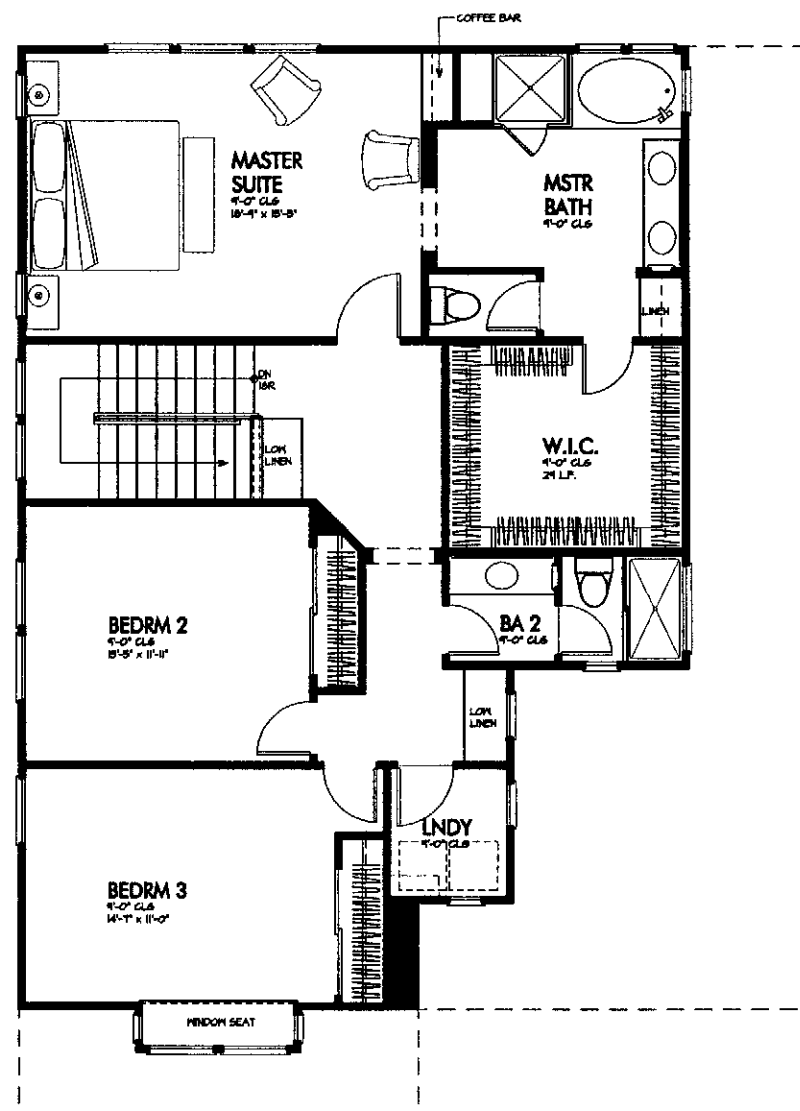
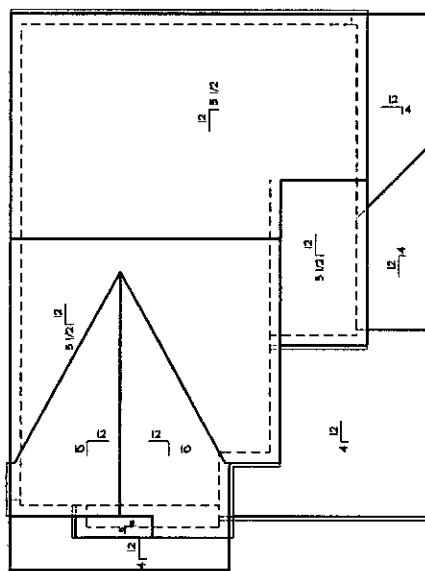
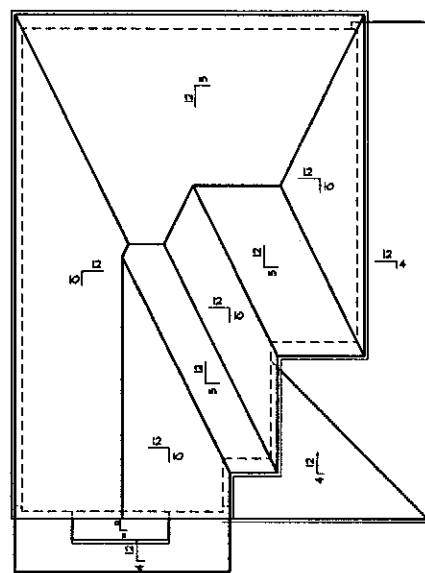


AUGUST 30, 2005

Project No.: 852.202

DAHLIN GROUP
ARCHITECTURE
PLANNING

2671 Crow Canyon Rd.
San Ramon, CA 94583
925.837.8286
925.837.2543 fax



CHABOT ESTATE HOMES

HAYWARD, CALIFORNIA

PLAN TWO



AUGUST 30, 2005

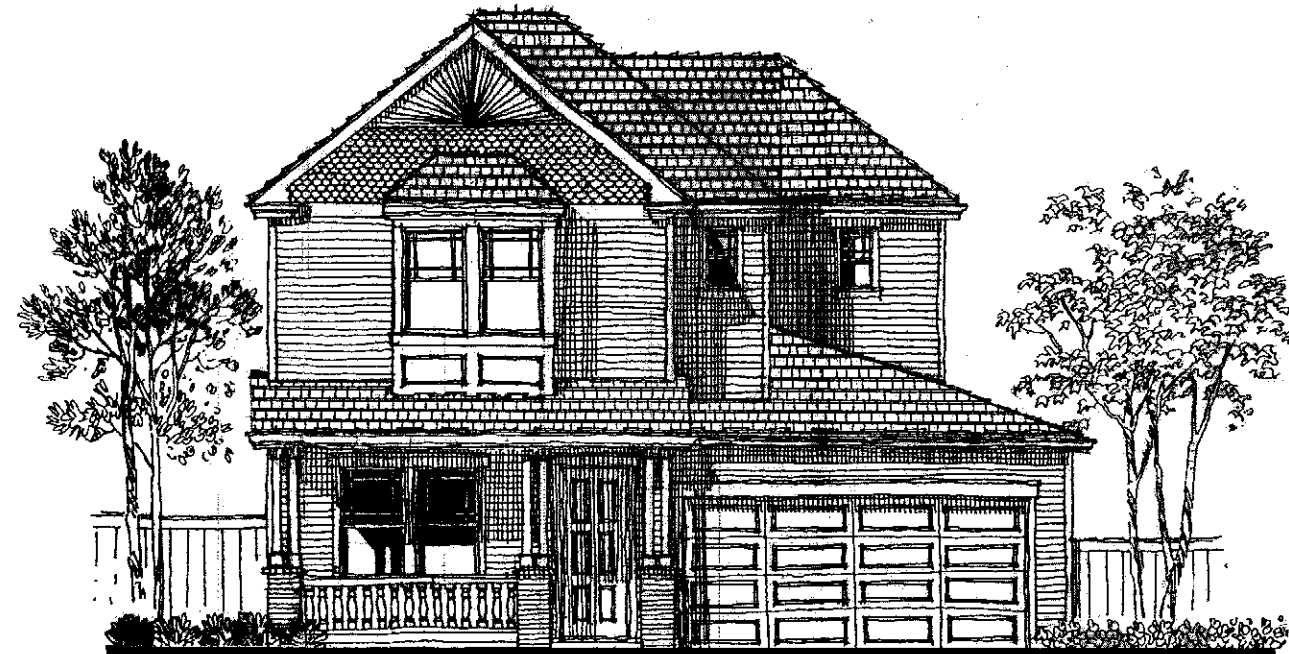
Project No.: 852.202

DAHLIN GROUP
ARCHITECTS
PLANNERS

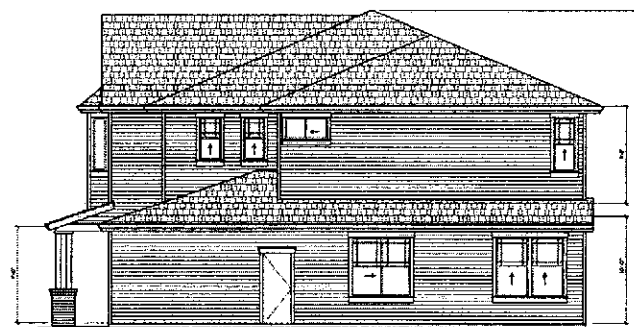
2671 Crow Canyon Rd.
San Ramon, CA 94583
925.837.8286
925.837.2543 Fax



FRONT ELEVATION "B"



FRONT ELEVATION "A"



RIGHT ELEVATION "A"

SCALE: 1/8" = 1'-0"



REAR ELEVATION "A"

SCALE: 1/8" = 1'-0"



LEFT ELEVATION "A"

SCALE: 1/8" = 1'-0"

ELEVATIONS PLAN TWO



AUGUST 30, 2005

Project No.: 852.202

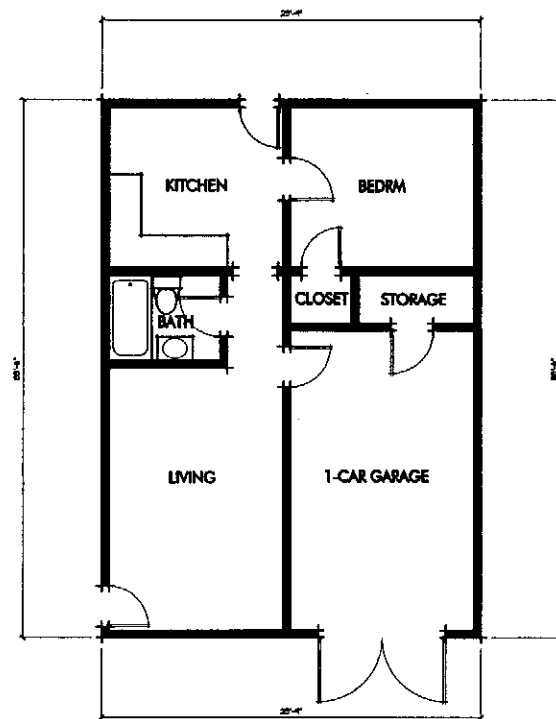
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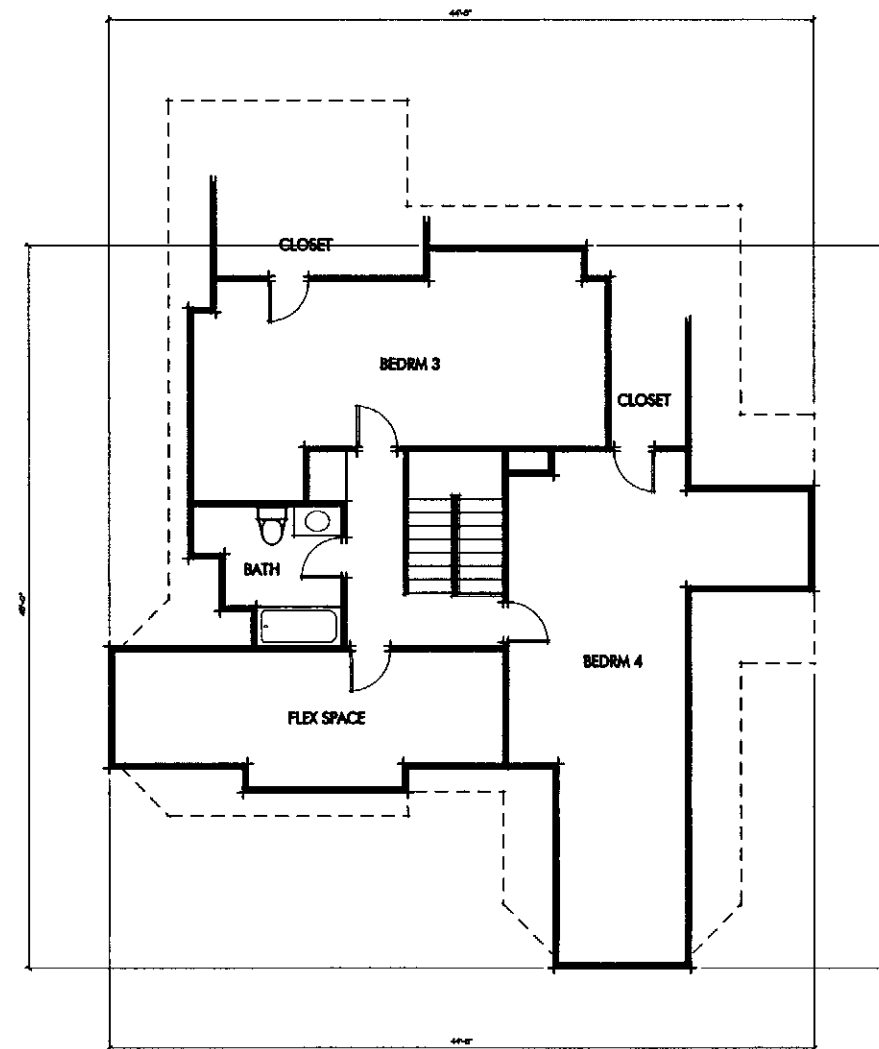
A.5
of 8

CHABOT ESTATE HOMES

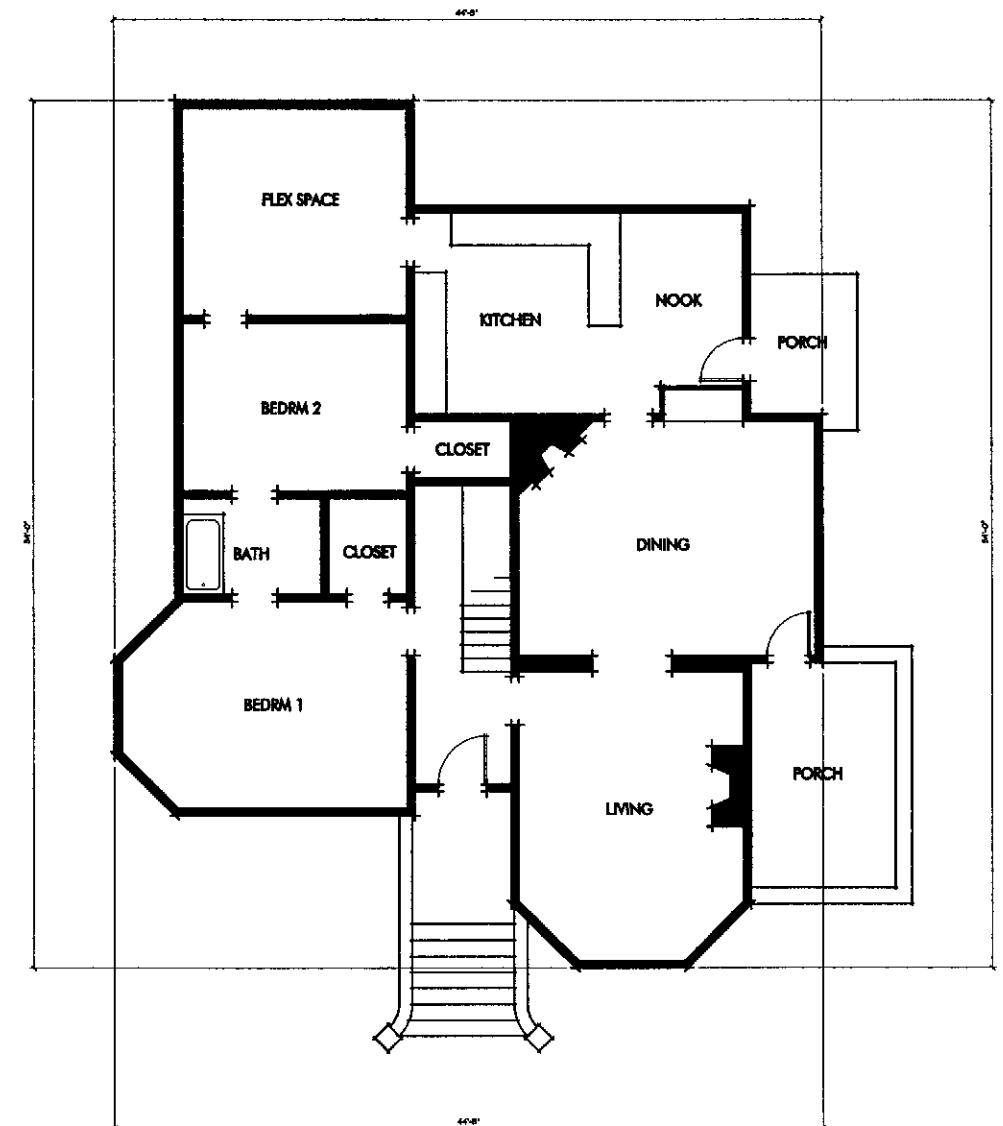
HAYWARD, CALIFORNIA



CARRIAGE HOUSE PLAN



SECOND FLOOR PLAN



FIRST FLOOR PLAN

CHABOT ESTATE HOMES

HAYWARD, CALIFORNIA

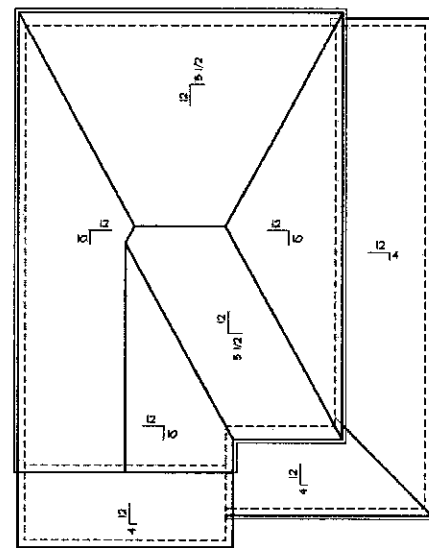
CRYER HOUSE FLOOR PLANS



AUGUST 30, 2005 Project No.: 852.202

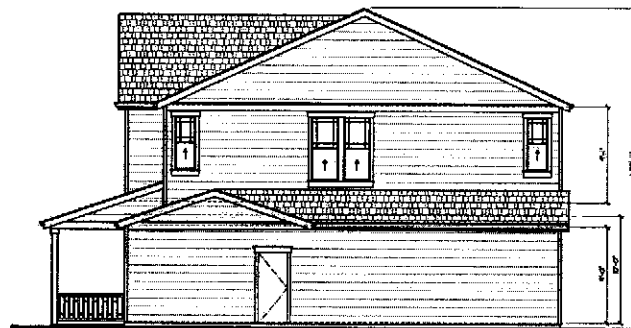
DAHLIN GROUP
ARCHITECTURE
PLANNING

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San Ramon, CA 94583
925.837.8286
925.837.2543 Fax





FRONT ELEVATION "B"



RIGHT ELEVATION "B"

SCALE: 1/8" = 1'-0"



REAR ELEVATION "B"

SCALE: 1/8" = 1'-0"



LEFT ELEVATION "B"

SCALE: 1/8" = 1'-0"

ELEVATIONS
PLAN ONE
LOT 1 ONLY



AUGUST 30, 2005

Project No.: 852.202

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925.837.8286
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A.8
of 8

CHABOT ESTATE HOMES

HAYWARD, CALIFORNIA

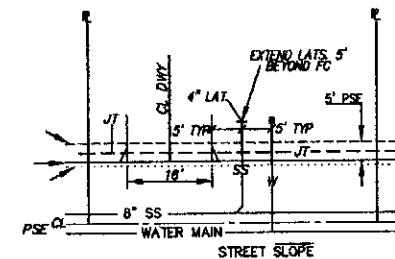
DEVELOPER
CHABOT ESTATE HOMES LLC
712 BANCROFT ROAD, STE 118
WALNUT CREEK, CA 94598
(925) 939-6700
FAX: (925) 939-6833
CONTACT: ARLENE UTAL

CIVIL ENGINEER
UDI-TETRAD CONSULTING ENGINEERS, INC.
5528 PACHECO BLVD.
PACHECO, CA 94553
(925) 674-0218
FAX (925) 674-0243
CONTACT: RICHARD CRUZEN

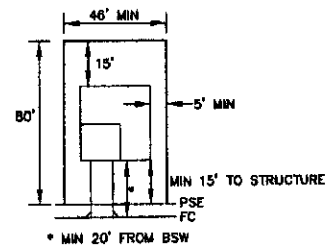
SOILS ENGINEER
EARTHTEC LTD.
1830 VERNON STREET, SUITE 7
ROSEVILLE, CA 95678
(916) 788-5262
FAX: (916) 788-5263
CONTACT: ED HENDRICK

VESTING TENTATIVE MAP

CHABOT ESTATE HOMES TRACT 7554

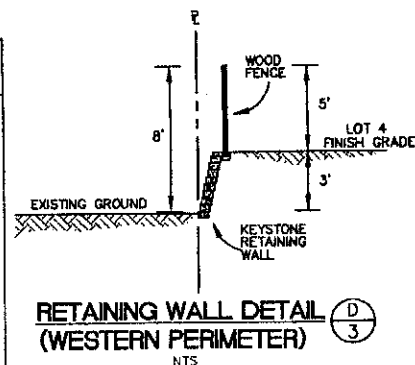


TYPICAL LATERAL LOCATION
NTS

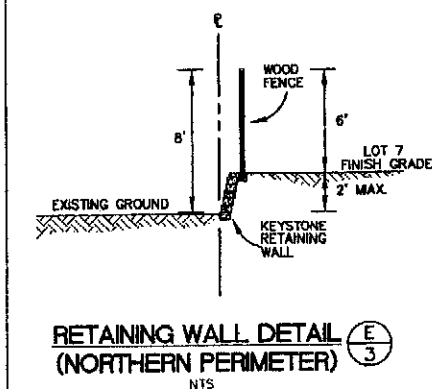


TYPICAL MIN. LOT SETBACKS
NTS

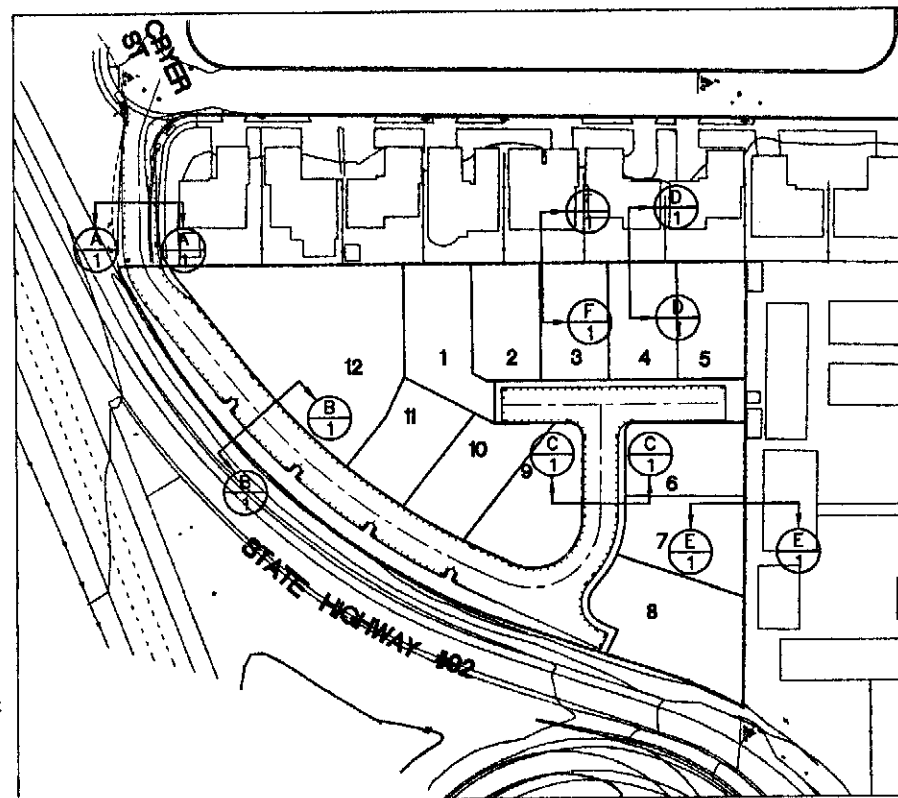
LEGEND	
EXISTING	PROPOSED
AC	ASPHALT CONCRETE PAVEMENT
BOY	BOUNDARY
BSW	BACK OF SIDEWALK
CB	CATCH BASIN
CL	CENTER LINE
CD	DEPRESSED CURB DRAIN
DWY	DRIVEWAY
EL	ELEVATION
EX, EAST	EXISTING
F/C, FC	FACE OF CURB
FM	FIRE HYDRANT
FL	FLOW LINE
HP, H. PT.	HIGH POINT
INV.	INVERT
JT	JOINT TRENCH
JTS	JOINT TRENCH SERVICE
LAT.	LATERAL
LP, LQ, PL	LOW POINT
PL	PROPERTY LINE
PVC	POLYVINYL CHLORIDE
PAC	PUBLIC ACCESS EASEMENT
PSE	PUBLIC SERVICE EASEMENT
PUE	PUBLIC UTILITY EASEMENT
RCP	REINFORCED CONCRETE PIPE
R/W	RIGHT OF WAY
SD	STORM DRAIN
SDMH	STORM DRAIN MANHOLE
SDMK, SWK	SIDEWALK
SSOD	SANITARY SEWER CLEAN OUT
SS LAT	SANITARY SEWER LATERAL
SSMH	SANITARY SEWER MANHOLE
SSMH (1+00)	SANITARY SEWER MANHOLE STATION AS NOTED
1+00	CENTER LINE STATION
T/C, TC	TOP OF CURB
TYP.	TYPICAL
RET. WALL	M.S.E. RETAINING WALL
UL	UTILITY BOX
W	WATER LINE
WBO	WATER LINE BLOW OFF VALVE
WV	WATER LINE STOP VALVE



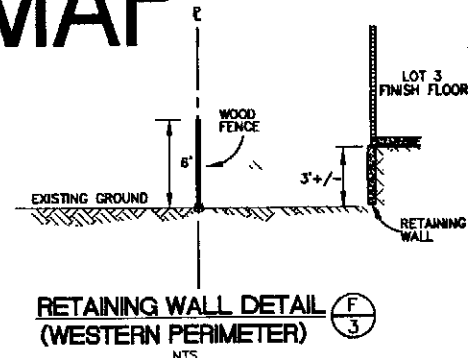
RETAINING WALL DETAIL (WESTERN PERIMETER)
NTS



RETAINING WALL DETAIL (NORTHERN PERIMETER)
NTS



SCALE IN FEET
0 30 60 90 120 150 180



RETAINING WALL DETAIL (WESTERN PERIMETER)
NTS

SHEET INDEX	
1	COVER SHEET
2	TENTATIVE MAP
3	UTILITY PLAN
4	GRADING PLAN

PLANNING DATA SUMMARY CHART:

LOT NO.	LOT AREA (sq ft)	% LOT COVERAGE	TYPE OF CONST.	OCCUPANCY USE	LIVING AREA (sq ft)	GARAGE AREA (sq ft)	PORCH AREA (sq ft)	COVERED PARKING (no. spaces)	ON-SITE PARKING (no. spaces)
1	4854	33.30%	VNR	R3	2158	451	130	2	2
2	3772	41.80%	VNR	R3	2278	414	133	2	2
3	3800	41.20%	VNR	R3	2278	414	133	2	2
4	3800	40.76%	VNR	R3	2158	451	130	2	2
5	3853	40.03%	VNR	R3	2278	414	133	2	2
6	4210	37.27%	VNR	R3	2278	414	133	2	2
7	4542	33.30%	VNR	R3	2158	451	130	2	2
8	7021	22.35%	VNR	R3	2278	414	133	2	2
9	5055	30.86%	VNR	R3	2158	451	130	2	2
10	4259	36.39%	VNR	R3	2158	451	130	2	2
11	3845	40.81%	VNR	R3	2278	414	133	2	2
12	13840	22.80%	VNR	R3	2800	888	0	2	3
A	24810	0.00%	VNR	R3	0	0	0	0	16
SUM								24	37

DENSITY:
GROSS = 6.0 DU/AC (UNITS/TOTAL AREA)
NET = 8.4 DU/AC (UNITS/TOTAL AREA LESS STREETS)

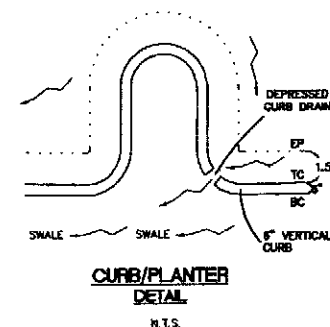
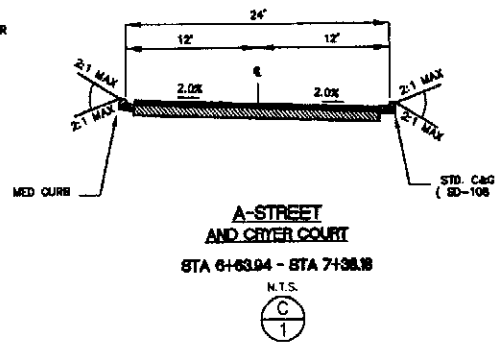
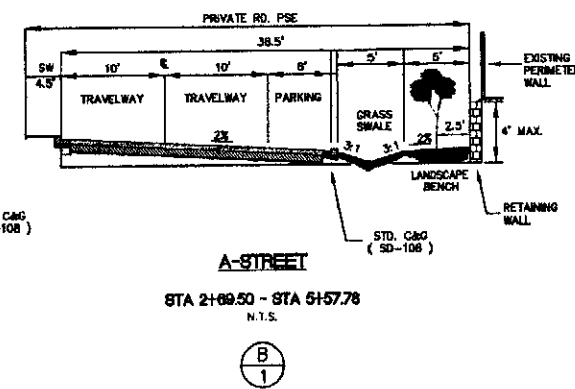
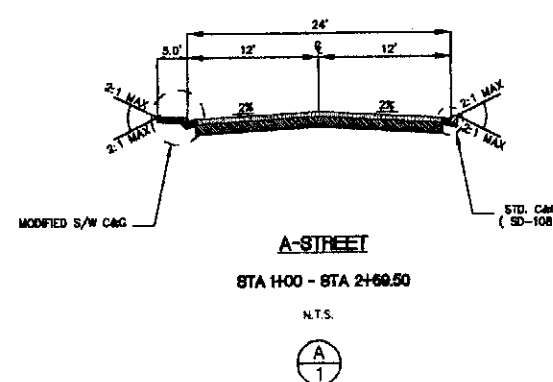
PROPERTY INFORMATION:

A.P.N.: 441-0023-014-03
PARCEL SIZE: 2.01 AC ±
CURRENT ZONING: RS: SINGLE FAMILY RESIDENTIAL (LOW DENSITY)
PROPOSED DENSITY: 8.4 DU/AC
PROPOSED LAND USE: 12 SINGLE FAMILY HOMES, DETACHED

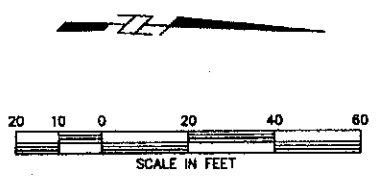
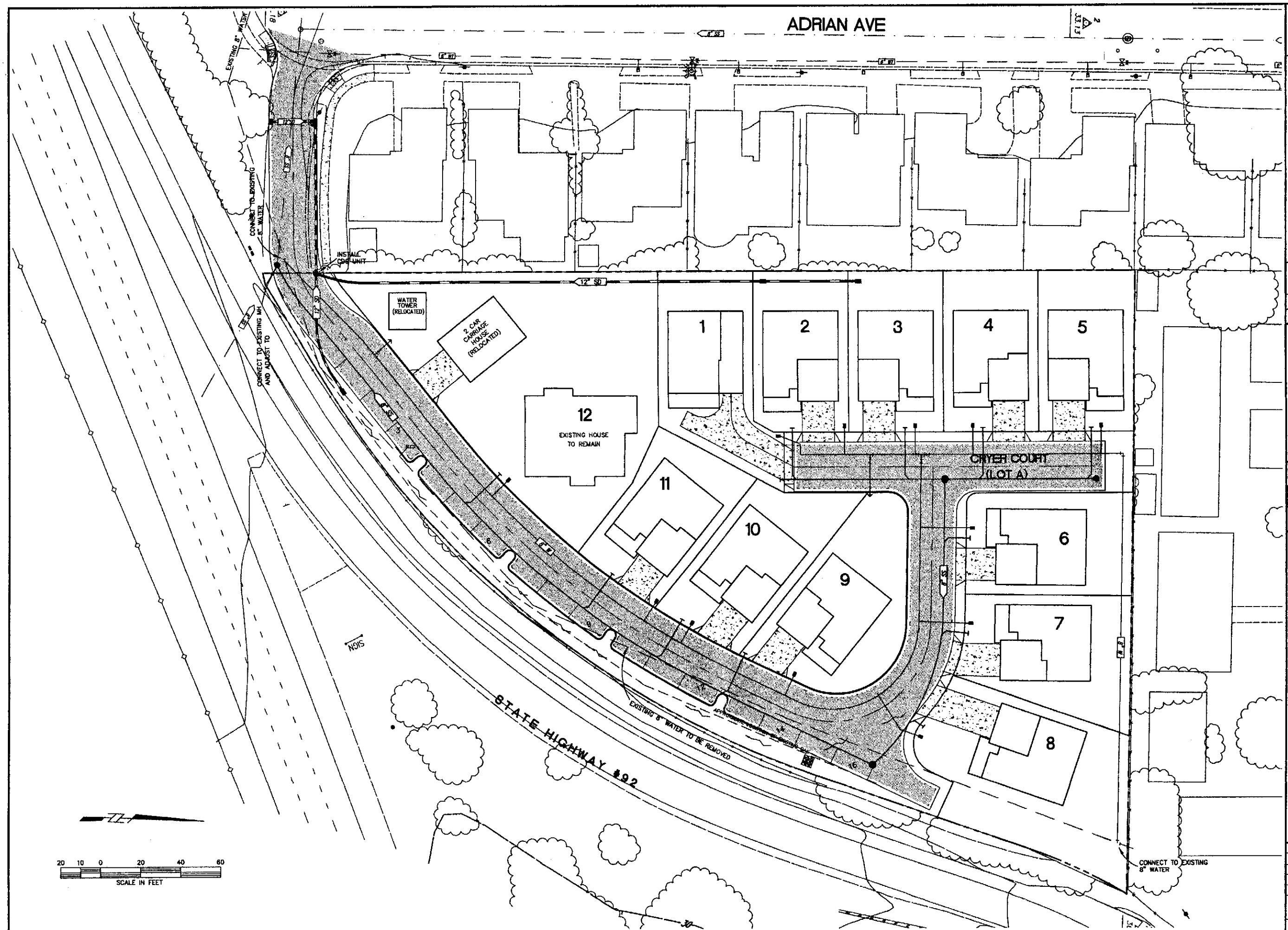
UTILITY INFORMATION:

SANITARY SEWER: CITY OF HAYWARD
STORM DRAIN: CITY OF HAYWARD
WATER: CITY OF HAYWARD
FIRE: HAYWARD FIRE DEPT.
CONTACT: PHIL SIMON
ELECTRIC & GAS: P.G.&E.

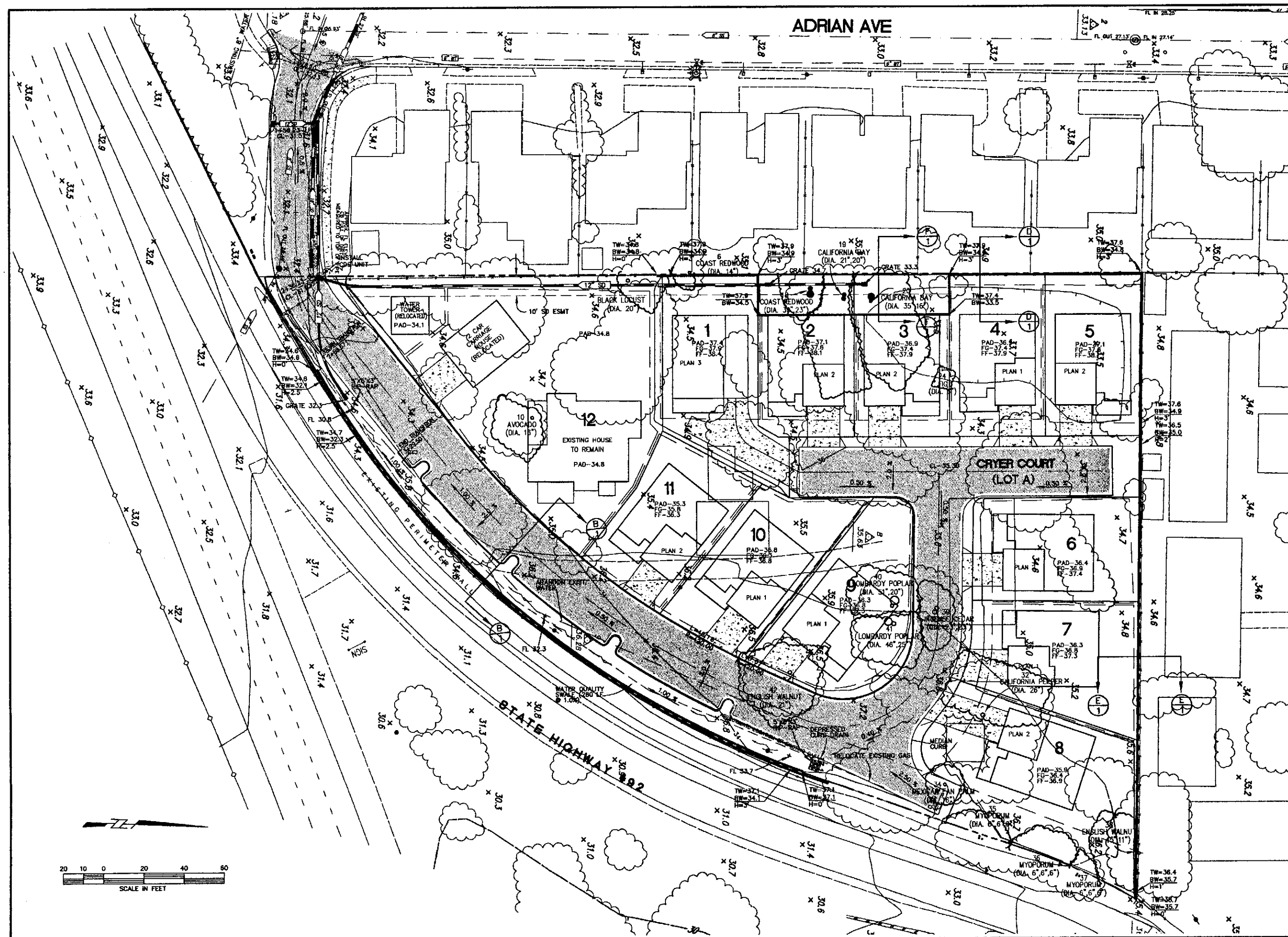
CIVIL ENGINEER
PLANS PREPARED UNDER THE DIRECTION OF AND REVIEWED BY:
Roger L. Poynts 9-8-05
DATE
ROGER L. POYNITS
R.C.E. C35299
UDI-TETRAD CONSULTING ENGINEERS, INC.



APPROVAL
REVISIONS
DATE
NO. BY
UDI-TETRAD CONSULTING ENGINEERS, INC.
Engineers
Planners
Surveyors
Civil - Power - Communications
5528 PACHECO BLVD.
PACHECO, CA 94553
(925) 674-0218
FAX: (925) 674-0243
REGISTERED PROFESSIONAL ENGINEER
STATE OF CALIFORNIA
CIVIL
No. 10000
CALIFORNIA
TITLE SHEET
CHABOT ESTATE HOMES
TRACT 7554
HAYWARD
DESIGNED: MAG
DRAWN: MAG
CHECKED: R.L.P.
SCALE: NTS
DATE: 09-2005
SHEET NO. 1 OF 4
JOB NO. 823



UDI-TETRAD CONSULTING ENGINEERS, INC. Engineers Planners Surveyors Civil - Water - Communications 3528 PACIFIC BLVD. (815) 874-0218 PACIFIC, CA 94333 FAX (815) 874-0243		NO. BY DATE REVISIONS APPROVAL
CALIFORNIA HAYWARD UTILITY PLAN CHABOT ESTATE HOMES TRACT 7554		DESIGNED: MAG DRAWN: MAG CHECKED: R.L.P. SCALE: 1"=20' DATE: 09-2005 SHEET NO. 3 OF 4 JOB NO. 823



REVISIONS	





CHABOT ESTATE HOMES
CRYER PROPERTY
HAYWARD, CALIFORNIA

STREET TREE
AND FENCING
PLAN

DESIGNED: AJS	DRAWN: AJS
CHECKED: 	JOB NO:
DATE 9-14-05	
SCALE	

SHEET
L-1
OF 2 SHEETS

STREET TREE LIST:
TREES TO BE 24" BOX SIZE
INSTALL PER CITY DETAIL.

-  PISTACHIA CHINENSIS (CHINESE PISTACHE)
-  CUPANOPSIS ANACARDIODES (36" BOX SIZE) (CARROT WOOD)
-  MYOPORUM LAETUM 'STANDARD' (24" BOX SIZE) (MYOPORUM)
-  SEQUOIA SEMPERVIRENS (24" BOX SIZE) (COAST REDWOOD)

MITIGATION TREES- SEE PLAN FOR SIZE AND LOCATIONS:

MITIGATION INFORMATION:

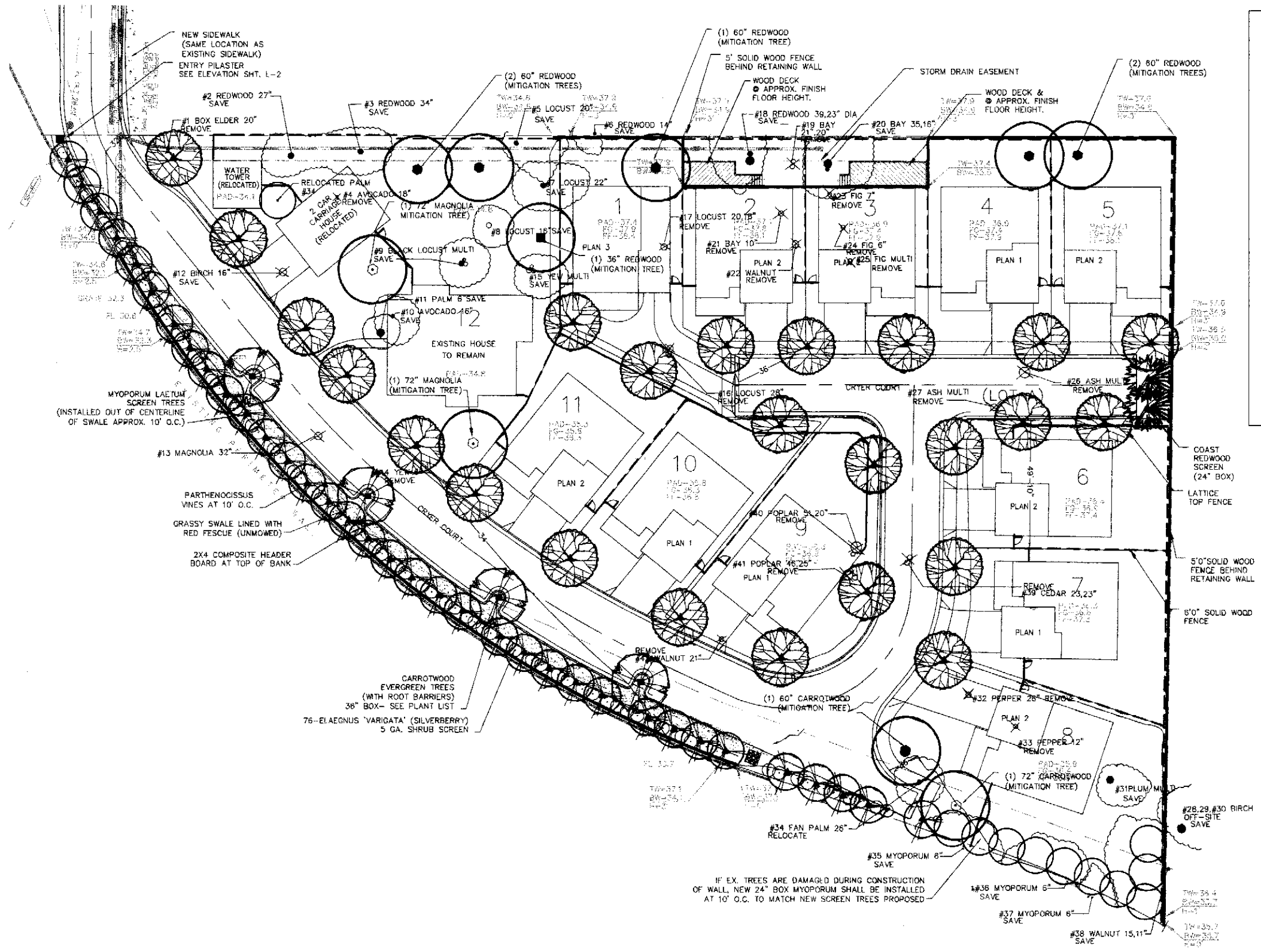
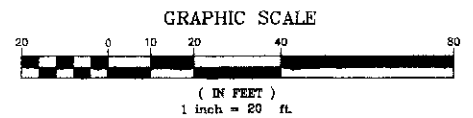
TREES REMOVED:

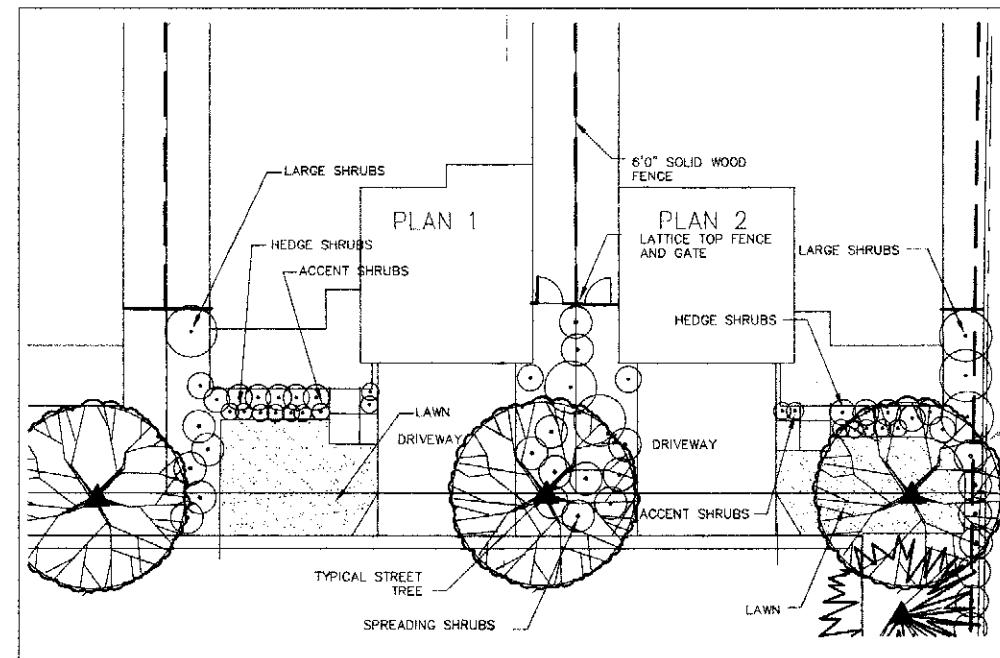
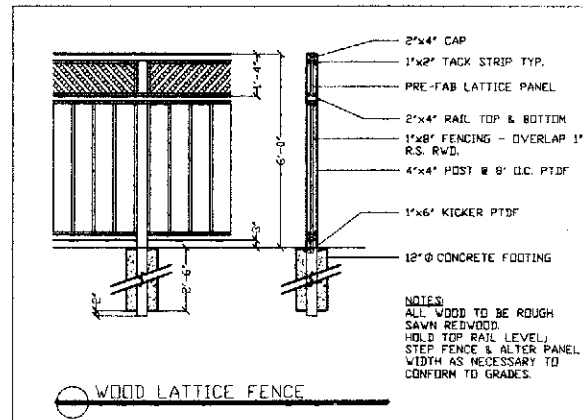
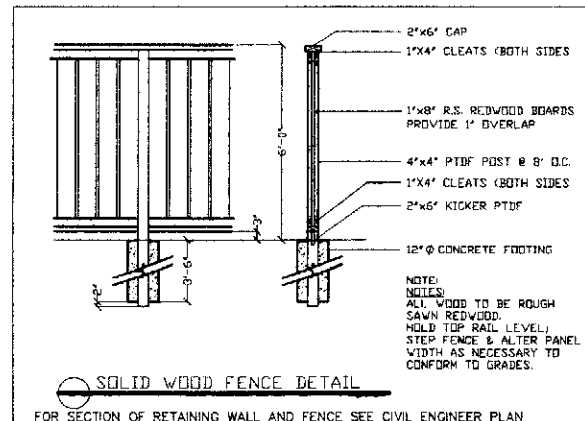
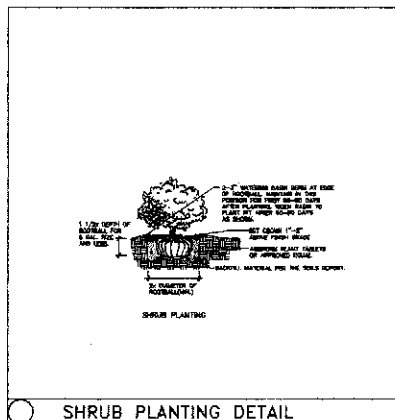
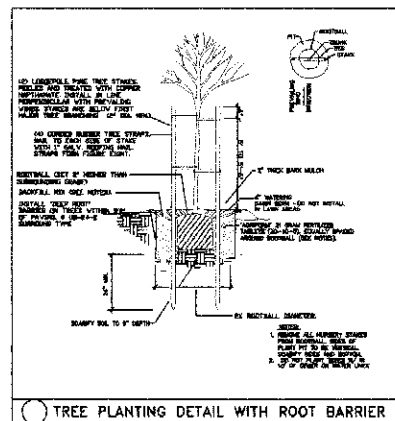
- #4 AVOCADO. \$600
- #1 BOX ELDER. \$300
- #12 BIRCH. \$500
- #13 MAGNOLIA. \$5650
- #14 YEWE. \$750
- #17 LOCUST. \$700
- #19 BAY. \$8750
- #21 BAY. \$1050
- #22 WALNUT. \$500
- #23 FIG. \$150
- #24 FIG. \$300
- #25 FIG. \$1050
- #26 ASH. \$350
- #27 ASH. \$750
- #32 PEPPER. \$2150
- #33 PEPPER. \$500
- #39 CEDAR. \$6500
- #40 POPLAR. \$6300
- #41 POPLAR. \$5750
- #42 WALNUT. \$1250

TOTAL REMOVED: \$45,100 FOR 20 TREES.

MITIGATION:

- (3) 72" BOX INSTALLED \$7000 E.A. = \$21,000
 - (6) 60" BOX INSTALLED \$4000 E.A. = \$24,000
 - (4) UP-SIZED SCREEN / STREET TREES TO BE 36" BOX = \$1,600 DIFFERENCE
- TOTAL MITIGATION VALUE: \$46,600.00





TYPICAL FRONT YARD LANDSCAPES
SCALE: 1"=10'0"

PLANTING NOTES:

GENERAL NOTES: The Landscape Contractor shall inspect the site and be familiar with all existing site conditions prior to submitting his bid. Contractor shall not willfully proceed with construction as shown when it is obvious that obstructions, landscape area and/or grade differences exist that may not have been known during design. Such conditions shall immediately be brought to the attention of the Landscape Architect. The contractor shall assume full responsibility for all necessary revisions due to failure to give such notification. Contractor shall be responsible for making himself familiar with all underground utilities, pipes, structures and obstructions. Contractor shall take sole responsibility for all costs incurred due to damage and/or replacement of these items. Contractor shall be responsible for coordination between trades and subcontractors as required to accomplish landscape operations. The Landscape Contractor shall be responsible for any damage to existing facilities caused by or during the performance of his work. All repairs shall be made at no cost to the Owner. Planting shall be installed in conformance with all applicable local codes and ordinances by experienced workmen and a licensed Landscape Contractor who shall obtain all necessary permits and pay all required fees.

SOIL PREPARATION: The Landscape Contractor shall be responsible for finish grading and all planting area drainage. Positive drainage away from the building as per city codes shall be maintained. No low spots which hold standing water will be accepted. The Landscape Contractor shall incorporate backfill soil mixes in planting areas as noted below. Where rototilling is not possible, incorporate soil amendments into top 8 inches with hand tools. After installation of irrigation system, all planting areas are to be fine graded to within 2 inches and slightly mounded away from edges of top of planter, curb, walk, header, etc. and raked smooth with all rocks and debris over 1 inch in diameter removed.

BACKFILL, SOIL MIXES: The Landscape Contractor shall amend existing soil, by rototilling, 6 cu. yd. 'nitrofree' soil conditioner (with a PH of 6.5-7.5) and 15 lbs. granular fertilizer (12-12-12) per 1,000 sq. ft. into the top 6 inches of soil in all planting areas. Pitt Planting Mix: for trees and shrubs mix 1/3 organic amendment, 2/3 amended topsoil as noted above.

TREE PLANTING: Street trees to be planted according to details on this sheet. The trees are to be planted as per detail on plan. Trees shall typically be located a minimum of 4 feet from curbs, walks, headers, buildings, overheads, and other trees within the project. Trees to be located within 4 feet of a curb, walk, header or building are to be planted in a 'Deep-Root' planter as per manufacturers specifications. Tree backfill shall be the 'Pitt Planting Mix' as noted above. All trees shall receive 'Agriform' 21 gram (20-20-5) fertilizer tablets at the following rates: For 24 inch box trees: 6 tablets; for 15 gallon trees: 4 tablets; for 5 gallon trees: 3 tablets. Thoroughly water trees immediately after planting. Multi-trunk indicates (3) trunks (min.) branched from base of tree.

ROOT BARRIERS: Trees within 5'0" of any building or paved surface or curb shall receive a root barrier. 'Deep Root' surround type barrier according to City of Campbell standards shall be used for street trees.

SHRUB PLANTING: The shrubs shall be spotted as per plan and the locations approved prior to the digging of the holes. Shrub backfill shall be the 'Pitt Planting Mix' as noted in 'Backfill soil mixes'. All shrubs shall receive 'Agriform' 21 gram (20-20-5) fertilizer tablets at the following rates: For 15 gallon shrubs: 4 tablets; for 5 gallon shrubs: 3 tablets; for 1 gallon shrubs: 1 tablet. Thoroughly water shrubs immediately after planting.

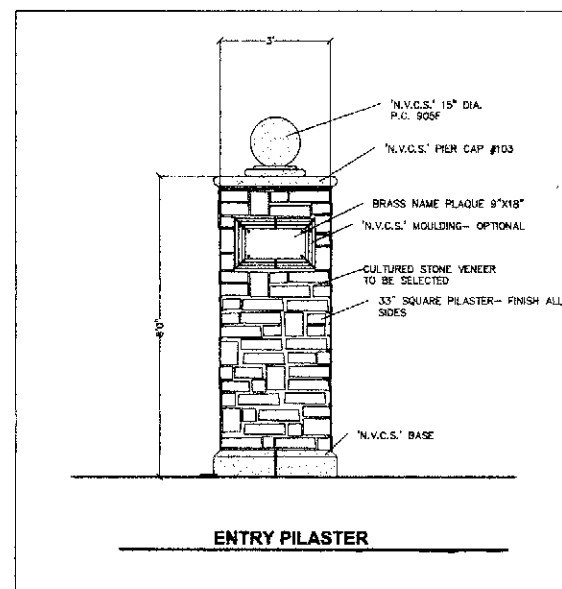
MULCHING: Mulch all planting areas, excluding lawn, having a slope less than 2:1 with a 2 inch minimum depth of 1/2"-3/4" fir bark (nugget not shredded material) with a PH of no higher than 5.0, and free of noxious weeds and foreign materials.

MAINTENANCE: The Contractor shall maintain the project for 90 days (or as requested by owner) following the approval to begin the maintenance period. During the entire maintenance period, watering, cultivating, weeding, mowing, repair/tightening of stakes and ties, restoration of basins, provision of supplemental water by hand in addition to irrigation system as necessary, spraying for insects and disease shall be performed. At the end of the 90 day maintenance period all areas are to be weed free and all plant material is to be in a healthy, thriving condition. Furnish Owner with typed maintenance manual outlining watering, fertilizing, weeding, pruning and mowing schedules.

SUBSTITUTIONS: Requests for substitutions of plant varieties shall be made to the Landscape Architect within 15 days after signing of contract.

GUARANTEE: All construction, trees and shrubs by the Landscape Contractor and/or his subcontractors shall be guaranteed for (1) one year after beginning of maintenance period. The contractor shall replace, at no expense to the Owner, any and all landscape materials that are in an unacceptable condition for time of use, and trees or shrubs that are dead or not in a vigorous, healthy growing condition; within two weeks of notification of such condition. Replacement shall be of the same kind and size as the originally specified item and shall be replaced as originally described on the drawings. The Contractor shall not be held liable for loss of plant materials during the guarantee period due to vandalism, accidental causes or acts of neglect by others than the Contractor, his agents and employees.

CLEAN UP: At the end of each work day, at the inspection for substantial completion and before acceptance of project, clean paved areas that are dirtied or stained by construction operations, by sweeping or washing, and remove defacements and stains. Remove construction equipment, excess materials and tools. Haul from Owners property the debris resulting from construction, and dispose of legally. Remove remaining temporary protection at time of acceptance by Owner unless otherwise agreed.



TYPICAL FRONT YARD PLANT MATERIALS LIST

TREES: SEE STREET TREE PLAN SHT. L-1

SHRUBS:

LARGE SHRUBS- 5 GA. SIZE
ELEAGNIUS 'VARIGATA' (SILVERBERRY)
PITTOSPORUM TOBIRA (MOCK ORANGE)
PHOTINIA FRASERI (SCARLET TOYON)

SPREADING SHRUBS- 1 GA. SIZE
COTONEASTER DAMMERII (COTONEASTER)
CEANOTHUS G. 'HORIZONTALIS' (CARMEL CREEPER)
ROSEMARINUS PROSTRATA (DWARF ROSEMARY)

HEDGE SHRUBS- 5 GA. SIZE
ESCALLONIA FRADESII (ESCALLONIA)
COLEONEMA PULCHELLA (PINK BREATH OF HEAVEN)
BUXUS 'GREEN BEAUTY' (BOXWOOD)

ACCENT SHRUBS- 1 GA. SIZE
PHORMIUM T. 'RAINBOW WARRIOR' (FLAX)
COREOPSIS GRANDIFLORA (YELLOW DAISY)
ERIGERON KARVINSKIANUS (SANTA BARBARA DAISY)
LAVANDULA 'HIDECOTE' (LAVENDER)

LAWN FROM DWARF TALL FESCUE SOD

NOTE: IRRIGATION TO BE A COMBINATION OF SPRAY (FOR LAWN) AND DRIP (FOR SHRUBS) WITH AUTOMATED CLOCKS WITH MULTIPLE START TIMES.

REVISIONS

CHABOT ESTATE HOMES
CRAYER PROPERTY
HAYWARD, CALIFORNIA

TYPICAL FRONT YARDS FENCE DETAILS

DESIGNED: AJS	DRAWN: AJS
CHECKED: JON	JOB NO:

DATE: 9-14-05
SCALE:

SHEET
L-2
OF 2 SHEETS